

Adopt Home 300 to read as follows:

CHAPTER Home 300 LICENSURE REQUIREMENTS

PART Home 301 APPLICATION REQUIREMENTS

Home 301.01 Application Process.

(a) Persons wishing to become licensed as a home inspector in New Hampshire shall submit an application form provided by the board which contains the information specified in Home 301.02, 301.03 and the application fee specified in Home 301.04.

(b) An application, which is not signed by the applicant, and/or is not accompanied by cash, a valid check or a valid credit card for the application fee, shall not be accepted for processing and shall be returned to the applicant.

(c) If the application is denied, the applicant shall be provided an opportunity to request a hearing for reconsideration pursuant to Home 206 on the deficiency issues identified by the board. Any such request shall be made in writing and received by the board within 30 days of the receipt of the notification of denial.

(d) Applications about which there has been no communication from the applicant to the board for one year shall be destroyed.

Home 301.02 Application for Licensure

(a) Each applicant for licensure shall provide, or cause to be provided, the following on a form supplied by the board:

- (1) The applicant's name, including any names previously used;
- (2) The applicant's residence and business addresses and telephone numbers;
- (3) The applicant's date of birth, place of birth and citizenship;
- (4) The applicant's dates of employment, titles of positions, and present address of employer;
- (5) Character of employment including types of work performed and degree of responsibility;
- (6) Highest grade attended including name of institution, years attended, graduation date and copy of high school diploma or the equivalent;
- (7) A listing of every state in which the applicant holds or has ever held registration/certification/licensure as a home inspector with corresponding number and date of initial registration/certification/licensure;

(8) Whether the applicant has ever lost or been denied registration/certification/licensure as a home inspector or disciplined by this board or another home inspector licensing board in any other state and if so, an explanation of the circumstances;

(9) Whether the registration/certification/licensure as a home inspector was issued by examination;

(10) Whether the applicant has ever been convicted of any felony, any misdemeanor, or a violation and if so, the name of the court, the details of the offense and the date of conviction and the sentence imposed;

(11) The names, complete addresses, occupation and business relationship with the applicant of one reference as specified in Home 302.02;

(12) The applicant's social security number required pursuant to RSA 161-B:11, VI-a;

(13) The applicant's signature; and

(14) The application fee as specified in Home 301.04.

Home 301.03 Additional Requirements. Applicants for licensure shall provide the following:

(a) A copy of their high school diploma or the equivalent.

(b) Criminal record information, pursuant to RSA 310-A:190 (e); and

(c) Proof of liability insurance coverage consisting of at least the following:

(1) The name and address of the insurance company;

(2) The name and address of the certificate holder;

(3) Category of coverage and minimum amounts of coverage;

(4) Cancellation policy of the insurance policy;

(d) Evidence of successful completion of the National Home Inspectors licensing examination; and

(e) Evidence of successful completion of 80 hours of board approved education pursuant to RSA 190, I (a).

Home. 301.04 Application/Licensure Fees.

- (a) The application for licensure shall be \$200.00.
- (b) The wall display certificate fee for licensees shall be \$50.00
- (c) The biennial renewal fee shall be \$200.00
- (d) If the renewal is not received by the date of expiration there shall be a late fee of 20 percent per month.
- (e) The reinstatement fee after 12 months shall be the renewal fee plus 20 percent per month late fee totaling \$680.00.
- (f) The fee for verification of licensure shall be \$30.00.
- (g) The fee for replacement of a lost or mutilated certificate of licensure shall be \$50.00.
- (h) Course providers shall pay an evaluation fee of \$30.00 each time a course is submitted to the board to be evaluated for pre-licensing education credit.

Home 301.05 Fees. All fees shall be paid in the form of cash, money order, bank draft, check or credit card payable to "Treasurer, State of New Hampshire" and are non-refundable

PART Home 302 QUALIFICATION OF APPLICANTS

Home 302.01 Candidate Requirements.

(a) Candidates for licensure shall meet the requirements established by RSA 310-A:190, before a license shall be granted. The board shall require documentation of the applicant's education and work experience to help determine competency if the application is unclear, contradictory or incomplete.

(b) The candidate shall have committed no misconduct as set forth in RSA 310-A:196. The board shall consider all available evidence for all candidates for licensure, prior to granting a license. Substantiated evidence of failure to adhere to the ethical standards of the profession or misconduct as set forth in RSA 310-A:196 shall, after notice and opportunity for hearing, result in denial of licensure to any candidate.

(c) Qualifications shall be as follows:

(1) Candidates shall successfully complete 80 hours of board approved education consisting of the following core areas:

- a. Heating systems;
- b. Cooling systems;
- c. Plumbing systems;
- d. Electrical systems;

- e. Structural components;
- f. Foundations;
- g. Roof coverings;
- h. Exterior and interior components; and
- i. Site aspects as they affect the building.

- (2) Candidates shall be at least 18 years of age;
- (3) Candidates shall possess a high school education or the equivalent;
- (4) Candidates shall be of good moral and professional character, as evidenced by:
 - a. The answers to questions Home 301.02 (a) (8) and (10) on the application form;
 - b. Verification information as described in Home 301.02 (9) and 304.01;
 - c. Criminal record report as described in Home 301.03 (b); and
 - d. The letters of reference required by Home 302.02.

(c) Standards of practice pursuant to RSA 310-A:184 and 310-A:185 shall be in accordance with the rules of ethical and professional conduct set forth in Home 501 and RSA 310-A:185.

(d) The board shall issue licenses to applicants who actively practiced home inspection as a means of his or her livelihood for a one-year period preceding July 1, 2008 provided the board determines that the person meets the qualification for applicants for licensure or the equivalent under RSA 310-A:190 (b) (c) and (d) and who provide evidence satisfactory to the board of knowledge and experience equivalent to such requirements and fulfills all other license application requirements.

Home 302.02 Reference Required. Each applicant for licensure shall provide the board with the names and addresses of at least one individual, who shall provide a reference, and is not related to the applicant. The reference shall be a home inspector as defined in RSA 310-A:183, VI having detailed knowledge of the applicant's home inspector experience.

Home 302.03 Information from the Reference. Information from the reference shall be requested by the board on forms provided by the board as follows:

- (a) Applicant's name;
- (b) Reference's name and address, relationship to the applicant;
- (c) A brief description of the reference's knowledge of the applicant's qualifications in the practice of home inspection; and
- (d) Signature of reference and date.

Home 302.04 Additional References. The board shall require of the applicant the names and addresses of additional references if the original information provided by the references is unclear, incomplete or contradictory.

Home 302.05 Denial of Application. An application shall be denied if, after notice and an opportunity for hearing, there is a finding that:

(a) The applicant, or someone acting on the applicant's behalf, has submitted false information to the board in connection with the application;

(b) Evidence of past disciplinary action taken by another licensing body or a professional society or association, which indicates the applicant cannot be relied upon to practice competently, and honestly, or adhere to the standards of conduct required by Home 500 and RSA 310-A:185;

(c) Evidence of conviction of a felony or misdemeanor which indicates the applicant cannot be relied upon to practice competently, and honestly, or adhere to the ethical standards required by Home 500;

(d) Evidence of behavior that would violate the ethical and professional standards of Home 500 and RSA 310-A:185, which indicates the applicant cannot be relied upon to practice competently, and honestly, or adhere to the ethical and professional standards required by Home 501.03 and RSA 310-A:185;

(e) The applicant failed to meet the educational and experience requirements of Home 302 and RSA 310-A:190.

(f) The applicant failed to submit the documentation required per Home 301.03 and RSA 310-A:191.

(g) The applicant failed to submit the fee required per Home 301.04; or

(h) The applicant failed to successfully pass the examinations required per Home 303.01.

Home 302.06 Eligibility for Pre-Licensing Courses Accreditation.

(a) Applicants for accreditation of pre-licensing courses shall submit the following:

(1) A course outline describing content and course hours to be taught, at least 3 months prior to the implementation of the course on subject areas approved by the board, including:

a. New Hampshire RSA Chapter 310-A;

b. New Hampshire Administrative Rules Chapters Home 100-500;

c. Heating systems;

d. Cooling systems;

- e. Plumbing systems;
- f. Electrical systems;
- g. Structural components;
- h. Foundations;
- i. Roof coverings;
- j. Exterior and interior components;
- k. Standards of practice; and
- l. Site aspects as they affect the building.

(b) Applicants for accreditation to instruct a home inspection course shall submit documentation to the Board substantiating the following:

- (1) How the program curriculum reflects current practice standards;
- (2) The organization of the curriculum including:
 - a. The content of each of the courses;
 - b. The goals and objectives of each of the courses;
 - c. The total number of hours of classroom instruction;
 - d. Credentials of the instructor(s);
 - e. Expected student outcomes;
 - f. Curricular organization;
 - g. Course and unit objectives; and
 - h. The processes used to evaluate the progress of the students.

(c) Written permission for the board to visit the program site for the purpose of assessing the program's compliance with the requirements for board approval;

(d) If necessary to make effective the permission described in Home 302.06 (c), written permission shall be required from the program's sponsoring institution for the board to visit the program site for the purpose of assessing the program's compliance with the requirements for board approval; and

(e) The fee required pursuant to Home 301.04 (h).

PART Home 303 EXAMINATIONS

Home 303.01 Examinations

(a) Candidates for licensure shall have successfully passed the National Home Inspectors examination created and graded by the Examination Board of Professional Home Inspectors.

(b) The examination shall be administered on a computer at National Home Inspector Examination test centers on dates set by the Examination Board of Professional Home Inspectors.

PART Home 304 RECIPROCITY

Home 304.01 Reciprocity. Candidates for licensure who are licensed/registered in another state, provided that the other state grants reciprocity to residents of this state and whose licensure/registration requirements are substantially equivalent to or higher than those of this state, shall apply to the board for licensure on a form provided by the board as specified in Home 301.02 and pay the fee per Home 301.03 (a) or (b). The verification of licensure or examination shall be obtained by the candidate for licensure and submitted to the board directly from the verifying state for approval.

PART Home 305 CREDENTIALS

Home 305.01 License. An applicant for licensure as a home inspector, who has satisfactorily met all the requirements of RSA 310-A and who has paid all of the fees, shall be issued a license by the board. The licensee shall be issued a license authorizing the practice of home inspection that shall show the full name of the licensee, shall have a serial number, and shall be signed by members of the board.

Home 305.02 Pocket Cards. Biennially, the board shall issue a licensure card, numbered to correspond with the home inspector's assigned number to each licensed home inspector upon renewal of the license. The card shall certify that the home inspector holds a license in good standing and is authorized to practice as a home inspector to the date of expiration as shown on the card.

Home 305.03 Licensed Home Inspector Seal/Stamp/License Number.

(a) The board shall upon issuance of a license to an applicant as a licensed home inspector require the licensee to acquire an impression type seal or rubber stamp of the design approved by these rules and submit the seal to the board for approval. This seal shall bear the licensee's name and number as shown on the license.

(b) The seal shall consist of 2 concentric circles with the outer circle having a diameter of 1- 9/16 inches and the inner circle diameter of 15/16 inches. In the space between the circles, the top shall be the words "Licensed Home Inspector" and at the bottom "State of New Hampshire." In the space inside the inner circle shall be the full name of the licensee over an image of a house and the license number written horizontally.

(c) The stamping or sealing of any documents by the licensee with the licensee's seal after the license has expired, has been suspended, revoked or surrendered voluntarily shall be a

violation of these rules. The stamping or sealing of any documents by the licensee not prepared by the licensee personally or under the licensee's direct supervision shall be a violation of these rules.

(d) The board shall upon issuance of a license to an applicant as a licensed home inspector require that the licensee shall display their license number on any business cards and other information made available to the public by the licensee.

Adopt Chapter Home 400 to read as follows:

CHAPTER Home 400 CONTINUED STATUS

PART Home 401 RENEWAL OF LICENSE

Home 401.01 Expirations and Renewals. Pursuant to RSA 310-A:192, licenses shall be renewed by written application prior to the expiration date and by payment of the prescribed renewal fee. The board shall notify each home inspector one month prior to expiration of their license. If properly renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board.

Home 401.02 Renewal of License. Any licensee wishing to renew a license shall submit:

- (a) The renewal application supplied by the board;
- (b) The fee specified in Home 301.04.
- (c) If the renewal is not received by the date of expiration, a late fee of 20 percent per month; and
- (d) Proof of completion of the continuing education requirements of Home 403.

Home 401.03 Renewal Application. The applicant shall supply the following information on the application form for license renewal:

- (a) The applicant's full name;
- (b) The applicant's business address and telephone number;
- (c) The applicant's home address and telephone number;
- (d) Documentation that the applicant has complied with the continuing education requirements of Home 403;
- (e) A statement indicating any disciplinary action brought against the applicant;
- (f) A statement indicating whether the applicant has ever been convicted of any felony, any misdemeanor, or a violation and if so, the name of the court, the details of the offense and the date of conviction and the sentence imposed;

- (g) A statement indicating that the applicant has adhered to the ethical and professional standards of Home 500;
- (h) Acknowledgment that the provision of materially false information in the application knowingly provided is a basis for denial;
- (i) Acknowledgement that, if the applicant provided false information that is discovered after the license is renewed, it is a basis for disciplinary action by the board;
- (j) Proof of insurance coverage consisting of at least the following:
 - (1) The name and address of the insurance company;
 - (2) The name and address of the certificate holder;
 - (3) Category of coverage and minimum amounts of coverage; and
 - (4) Cancellation policy of the insurance policy; and
- (k) The applicant's signature and date.

Home 401.04 Denial of Renewal. Renewal shall be denied if, after notice and an opportunity for hearing, the board finds:

- (a) Noncompliance with the continuing education requirements of Home 403.01;
- (b) Any unethical act for which discipline shall be imposed under Home 500;
- (c) Reasons for which an initial application could be denied;
- (d) Failure to furnish complete or accurate information on an initial or renewal license application; or
- (e) Failure to file a renewal application within 12 months of license expiration.

Home 401.05 Reinstatement. A home inspector whose license to practice home inspection in this state has been allowed to lapse for a period of 12 months or more shall:

- (a) File a reinstatement application with the board that shall include at least the following:
 - (1) The applicant's full name;
 - (2) The applicant's business address and telephone number;
 - (3) The applicant's home address and telephone number;
 - (4) Documentation that the applicant has complied with the continuing education requirements of Home 403;

- (5) A statement indicating any disciplinary action brought against the applicant;
 - (6) A statement indicating whether the applicant has ever been convicted of any felony, any misdemeanor, or a violation and if so, the name of the court, the details of the offense and the date of conviction and the sentence imposed;
 - (7) A statement indicating that the applicant has adhered to the ethical and professional standards of Home 500;
 - (8) A representation that the applicant acknowledges that the provision of false information in the application is a basis for disciplinary action by the board;
 - (9) The names, complete addresses, occupation and business relationship with applicant of one reference from home inspectors as defined by RSA 310-A:183 VI;
 - (10) Proof of insurance coverage consisting of at least the following:
 - (a) The name and address of the insurance company;
 - (b) The name and address of the certificate holder;
 - (c) Category of coverage and minimum amounts of coverage; and
 - (d) Cancellation policy of the insurance policy; and
 - (11) The applicant's signature and date.
- (b) Applicants shall submit the application and reinstatement fees as specified in Home 301.04.

Home 401.06 Denial of Reinstatement. Reinstatement shall be denied if, after notice and an opportunity for hearing, the board finds:

- (a) Noncompliance with the continuing education requirements of Home 403.01;
- (b) Any unethical act for which discipline shall be imposed under Home 500;
- (c) Reasons for which an initial application could be denied; or
- (d) Failure to furnish complete or accurate information on an initial or renewal license application.

PART Home 402 DISCIPLINARY MATTERS

Home 402.01 Initiation of Disciplinary Action. The board shall undertake misconduct investigations, settlements of misconduct allegations, or disciplinary hearings, in response to any information which reasonably suggests that a licensee has engaged in professional misconduct.

Home 402.02 Disciplinary Sanctions.

(a) Other than immediate license suspensions authorized by RSA 541-A:30, III the board shall impose disciplinary sanctions only:

- (1) After prior notice and an opportunity to be heard; or
- (2) Pursuant to a mutually agreed upon settlement or consent decree.

(b) When the board receives notice that a licensee has been subjected to disciplinary action related to professional conduct by the licensing authority of another jurisdiction, where the license was not reinstated, the board shall issue an order directing the licensee to demonstrate why reciprocal discipline should not be imposed in New Hampshire.

(c) In a disciplinary proceeding brought on the basis of discipline imposed in another jurisdiction the licensee shall be subject to any disciplinary sanction authorized by RSA 310-A:196, V after considering the presence of aggravating or mitigating circumstances.

(d) After a finding that misconduct has occurred, the board shall impose one or more of the disciplinary sanctions authorized by RSA 310-A:196, V after considering the presence of aggravating or mitigating circumstances.

(e) The following shall be considered aggravating circumstances:

- (1) The seriousness of the offense;
- (2) Prior disciplinary record;
- (3) State of mind at the time of the offense;
- (4) Lack of willingness to cooperate with the board; and
- (5) Potential harm to public health and safety.

(f) The following shall be considered mitigating circumstances:

- (1) Absence of a prior disciplinary record;
- (2) State of mind at the time of the offense;
- (3) Willingness to cooperate with the board;
- (4) Acknowledgment of his or her wrongdoing; and
- (5) The purpose of the rule or statute violated.

(g) No hearing date established in a proceeding conducted under Home 402.02 shall be postponed at the request of the licensee unless the licensee also agrees to continue the suspension period, if any, pending issuance of the board's final decision.

(h) Copies of board orders imposing disciplinary sanctions and copies of all settlement agreements or consent decrees shall be sent to the licensing body of each state in which the licensee is licensed and to such other entities, organizations, associations, or boards as are required to be notified under applicable state or federal law.

Home 402.03 Administrative Fines

(a) Adjudicative procedures seeking the assessment of an administrative fine shall be commenced against any person subject to such fines or penalties under any provision of RSA 310-A when the board possesses evidence indicating that a violation has occurred.

(b) When persons subject to the board's disciplinary authority are directed to pay fines in accordance with Home 402.02, such fines shall be assessed in accordance with the factors stated in Home 402.02 (e) and the following additional considerations:

- (1) The cost of any investigation or hearing conducted by the board; and
- (2) The licensee's ability to pay a fine assessed by the board.

(c) Administrative fines shall not exceed the following amounts:

- (1) When no violation of the same type has occurred during a period of licensure within the 5 years preceding the board's notice to the respondent, the fine assessed shall not exceed \$200.00 per day or \$1,000.00 per offense whichever is greater;
- (2) When a single disciplinary infraction of the same type has occurred during a period of licensure within the 5 years preceding the board's notice to the respondent, the fine assessed shall not exceed \$200.00 per day or \$1,500.00 per offense whichever is greater;
- (3) When more than one disciplinary infraction of the same type has occurred during a period of licensure within the 5 years preceding the board's notice to the respondent, the fine assessed shall not exceed \$200.00 per day or \$2,000.00 per offense whichever is greater; and
- (4) In the case of continuing violations, a separate fine shall be assessed for each day the violation continues, but the total amount of the fine and the respondent's promptness and cooperativeness in ceasing the prohibited conduct in question shall be considered in assessing the daily fines.
- (5) A single course of continuing conduct shall be treated as a single violation for purposes of Home 402.03 (c), (1), (2) and (3).

Home 402.04 Procedures for Assessing and Collecting Fines.

(a) Payment of a fine shall be included among the options available for settling disciplinary allegations, and shall be included among the types of disciplinary sanctions imposed after notice and hearing.

(b) In cases where the board initially intends to limit disciplinary sanctions to an administrative fine, the board shall issue a “notice of apparent liability” describing the alleged offense, stating the amount of the assessed fine, and notifying the alleged offender that he or she shall pay or compromise the fine by a certain date or request that an administrative hearing be held. If a hearing is requested, the notice of apparent liability shall be withdrawn and a notice of hearing shall be issued. In such hearings, the board’s disciplinary options shall not be limited to the assessment of an administrative fine.

(c) Nonpayment of a fine by a licensee or respondent in contravention of an order, agreement or promise to pay, shall be a separate ground for discipline by the board and a basis for denying a subsequent license and renewal application and a basis for judicial action seeking to collect the fine.

PART Home 403 CONTINUING EDUCATION

Home 403.01 Renewal Requirements

(a) Continuing education hours shall be earned pursuant to RSA 310-A:192.

(b) A renewal application shall not be accepted for filing unless the licensee indicates on the renewal application, and under penalty of unsworn falsification, that he/she has completed the minimum required hours of approved continuing education hours required pursuant to RSA 310-A:192.

(c) Each licensee shall obtain at least 20 continuing education hours of approved continuing education courses during the biennial renewal period as a condition of license renewal.

Home 403.02 Reinstatement. An applicant may bring an inactive license to active status by obtaining 10 additional continuing education hours for a total of 30, but only upon payment of any and all outstanding renewal and reinstatement fees as specified in Home 301.03. Additional credits shall be for the current reinstatement period only; none may be carried over into the licensee’s subsequent biennial renewal period.

Home 403.03 Continuing Education Hour Requirements. Continuing education hours shall meet the following criteria:

- (a) Continuing education activities shall be relevant to the practice of home inspection or no credit shall be awarded. Such continuing education activities may include technical, ethical, or managerial content;
- (b) One hour shall be on building regulations including any recent revisions to building regulations;

- (c) The content of each presentation shall be well organized and presented in a sequential manner; and
- (d) There shall be a provision for individual participant course/program registration including information required for record keeping and reporting.

Home 403.04 Continuing Education Hour Credits Continuing education hours shall be credited as follows:

- (a) A maximum of 6 continuing education hours shall apply to activity on a state or national board of licensure;
- (b) Courses/programs awarded one college semester hour of credit shall equal 45 continuing education hours based on course credit established by the college or university;
- (c) Courses/programs awarded one college quarter hour shall equal 30 continuing education hours;
- (d) Courses/programs awarded one continuing education unit shall equal 10 continuing education hours;
- (e) Credit shall be awarded for one hour of continuing education in course work, seminars, or professional technical presentations made at meetings, conventions, or conferences for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings shall earn continuing education hour units for the actual time of each program.
- (f) Teaching or instructing qualifying courses or seminars or making presentations at technical meetings shall earn continuing education hours credit at twice that of participants. Teaching credit shall be valid for teaching a course or seminar for the first time only. Teaching credit shall not apply to full-time faculty;
- (g) Active participation in professional or technical societies shall equal 2 continuing education hours and shall require that a registrant serve as an officer and/or actively participate in a committee of the organization. Continuing education hour credits shall not be earned until each year service is completed and shall be limited to 2 continuing education hours per organization per year; and
- (h) Continuing education credits shall not be recognized for any repeat program attended or completed.

Home 403.05 Record Keeping.

- (a) The responsibility of maintaining records to be used to support credits claimed shall be the responsibility of the licensee.
- (b) Records required shall contain at least the following documentation:

- (1) A log showing the type of activity claimed, sponsoring organization, location, instructor's or speaker's name, and continuing education hours credits earned; and
- (2) Attendance verification records in the form of completion certificates or other documents supporting evidence of attendance such as:
 - (a) Signed attendance receipts;
 - (b) Paid receipts; or
 - (c) A copy of a listing of attendees signed by a person sponsoring the course or program or the course/program provider.

(c) The licensee shall retain attendance verification records for a period of at least 4 years. Such documentation shall be made available to the board for random audit and/or verification purposes. Documentation shall support continuing education hours claimed. Failure to provide documentation for audit verification shall result in disciplinary action.

(d) Not less than 5% of the licensees shall be randomly selected each year by the board for compliance with Home. 403.01.

Home 403.06 Exemptions

(a) A licensee may be exempt from the continuing education educational requirements for any of the following reasons:

- (1) A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a year shall be exempt from obtaining the continuing education hours required during that year.
- (2) Licensees experiencing disability, illness, or other extenuating circumstances which would prevent the licensee from completing the required continuing education hours shall apply in writing to the board for specific exemption.

(b) Relevant supporting documentation shall be furnished to the board when necessary for a fair and informed determination by the board.

Home 403.07 Waiver of Continuing Education Deadline. A waiver of continuing education deadlines shall be granted provided that a petition to that effect is filed at least 30 days before the expiration of the biennial renewal period in question or that late filing is justified by a showing of good cause. Good cause shall include accident, illness or other circumstances beyond the control of the licensee. No waiver petition shall be granted which does not propose a specific timetable for completing specific courses which will meet the petitioner's continuing education deficiency.

Adopt Chapter Home 500 to read as follows:

CHAPTER Home 500 ETHICAL STANDARDS AND PROFESSIONAL CONDUCT

PART Home 501 ETHICAL STANDARDS/PROFESSIONAL CONDUCT

Home 501.01 Purpose and Scope

(a) To establish and maintain a high standard of integrity, skills and practice in the practice of home inspection, the following rules of professional conduct are adopted in accordance with RSA 310-A, and shall be binding upon every person holding a license issued by the board.

Home 501.02 Obligation To Obey

(a) The professional standards set forth in this part shall bind all licensees, and violation of any such standard shall result in disciplinary sanctions. Conduct proscribed by these ethical standards, when performed by a candidate for licensure as a home inspector in this state, or during a prior period of licensure, shall result in denying a license application.

(b) All persons licensed under RSA 310-A shall be considered to have knowledge of the existence of the code of ethics pursuant to RSA 310-A:185 and shall be deemed to be familiar with their several provisions. Such knowledge shall encompass the understanding that the practice of home inspection is a privilege, as opposed to a right, and the licensee shall be forthright and candid in the licensee's statements or written response to the board or its representatives on matters pertaining to professional conduct.

Home 501.03 Code of Ethics. The ethical standards binding licensees shall be the code of ethics pursuant to RSA 310-A:185.

CHAPTER Home 502 STANDARDS OF PRACTICE

PART Home 502 PURPOSE AND SCOPE

Home 502.01 Purpose and Scope. The purpose of these standards of practice is to establish a minimum and uniform standard for home inspectors. These standards of practice are intended to provide the public with objective information regarding the condition of the systems and components of the home as inspected at the time of the home inspection.

Home 502.02 Definitions: As used in these rules, the following terms shall have the meanings indicated:

(a) "Alarm systems" means warning devices installed or free-standing including but not limited to smoke detectors, carbon monoxide detectors, flue gas, and other spillage detectors, and security equipment.

(b) "Architectural services" means any practice involving the art and science of building design for construction of any structure or grouping of structures and the use of space within and surrounding the structures or the design for construction, including but not specifically limited to,

schematic design, design development, preparation of construction contract documents, and administration of the construction contract.

(c) “Automatic safety controls” means devices designed and installed to protect systems and components from unsafe conditions.

(d) “Component” means a part of a system.

(e) “Decorative” means ornamental; not required for the operation of the essential systems and components of a home.

(f) “Describe” means to identify (in writing) a system or component by its type or other distinguishing characteristics.

(g) “Dismantle” means to take apart or remove any component, device or piece of equipment that would not be taken apart or removed by a homeowner in the course of normal and routine home owner maintenance.

(h) “Engineering” means the application of scientific knowledge for the design, control, or use of building structures, equipment, or apparatus building structures, equipment, or apparatus.

(i) “Further evaluation” means examination and analysis by a qualified professional, tradesman, or service technician beyond that provided by the home inspection.

(j) “Home inspection” means the process by which an inspector visually examines the readily accessible systems and components of a home and which describes those systems and components in accordance with these standards of practice.

(k) “Household appliances” means kitchen, laundry, and similar appliances, whether installed or free-standing.

(l) “Inspect” means to examine any system or component of a building in accordance with these Standards of Practice, using normal operating controls and opening readily accessible covers.

(m) “Inspector” means a person hired to examine any system or component of a building in accordance with these standards of practice.

(n) “Installed” means attached such that removal requires tools.

(o) “Normal operating controls” means devices such as thermostats, switches or valves intended to be operated by the homeowner.

(p) “Readily accessible” means available for visual inspection without requiring moving of personal property, dismantling, destructive measures, use of a ladder, or any action which will likely involve risk to persons or property.

(q) “Readily accessible panel” means a panel provided for homeowner inspection and maintenance that is readily accessible, within normal reach, can be removed by one person, and is not sealed in place.

(r) “Recreational facilities” means spas, saunas, steam baths, swimming pools, exercise, entertainment, athletic, playground or other similar equipment, and associated accessories.

(s) “Report” means communicate in writing.

(t) “Representative number” means one component per room for multiple similar interior components such as windows and electric receptacles; one component on each side of the building for multiple similar exterior components.

(u) “Roof drainage systems” means components used to carry water off a roof and away from a building.

(v) “Siding” means exterior wall covering and cladding; such as: aluminum, asphalt, brick, cement/asbestos, EIFS, stone, stucco, veneer, vinyl, or wood.

(w) “Significantly deficient” means unsafe or not functioning.

(x) “Shut down” means a state in which a system or component cannot be operated by normal operating controls.

(y) “Solid fuel burning appliances” means a hearth and fire chamber or similar prepared place in which a fire may be built and that is built in conjunction with a chimney; or a listed assembly of a fire chamber, its chimney, and related factory-made parts designed for unit assembly without requiring field construction.

(z) “Structural component” means a component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads).

(aa) “System” means a combination of interacting or interdependent components, assembled to carry out one or more functions.

(bb) “Technically exhaustive” means an investigation that involves dismantling, the extensive use of advanced techniques, measurements, instruments, testing, calculations, or other means.

(cc) “Under floor crawl space” means the area within the confines of the foundation and between the ground and the underside of the floor.

(dd) “Unsafe” means a condition in a readily accessible, installed system or component that is judged to be a significant risk of bodily injury during normal, day-to-day use; the risk may be due to damage, deterioration, improper installation, or a change in accepted residential construction standards.

(ee) “Wiring methods” means identification of electrical conductors or wires by their general type, such as non-metallic sheathed cable, armored cable, or knob and tube.

Home 502.03 Report Requirements.

(a) The licensee shall inspect readily accessible, observable, installed systems and components.

(b) Report those systems and components inspected that, in the professional opinion of the inspector, are not functioning properly, significantly deficient, unsafe, or are near the end of their service lives.

(c) Make recommendations to correct, or monitor for future correction, the deficiencies reported in 502.03 (a) or items needing further evaluation.

(d) Report systems and components designated for inspection pursuant to the standards of practice that were present at the time of the home inspection but were not inspected and the reason or reasons they were not inspected.

(e) These standards of practice are not intended to limit inspectors from including other inspection services or systems and components in addition to those required in 502.03 (a).

(f) Exclude systems and components from the inspection if requested by the client.

(g) Home inspectors are not required to determine methods or materials necessary for corrections.

(h) Home inspectors shall not project costs of repairs.

Home 502.04 Standards of Practice

(a) When inspecting structural systems the home inspector shall inspect:

(1) The structural components including the foundation, framing, floor structure, wall structure, ceiling structure and roof structure;

(2) A representative number of structural components where deterioration is suspected or where clear indications of possible deterioration exist. Probing is not required when probing would damage any finished surface or where no deterioration is visible or presumed to exist; and

(3) Report the methods used to inspect under-floor crawl spaces and attics.

(b) When inspecting the structural systems the home inspector shall describe:

(1) The foundation;

(2) The floor structure;

- (3) The wall structure;
- (4) The ceiling structure; and
- (5) The roof structure.

(c) The home inspector shall not:

(1) Provide any engineering or architectural service or analysis unless qualified pursuant to RSA 310-A:201, IV; and

(2) Offer an opinion as to the adequacy of any structural system or component.

(d) When inspecting the exterior the home inspector shall inspect:

(1) Siding, flashing and trim;

(2) All exterior doors;

(3) Attached decks, balconies, stoops, steps, porches, and their associated railings;

(4) Eaves, soffits, and fascias where accessible from the ground level; and

(5) Entryway walkways, patios, driveways, vegetation, grading, surface drainage, and retaining walls that are likely to adversely affect the building.

(e) When inspecting the exterior the home inspector shall describe:

(1) Type of siding.

(f) The home inspector shall not be required to inspect:

(1) Screening, shutters, awnings, and similar seasonal accessories;

(2) Fences;

(3) Geological and/or soil conditions;

(4) Recreational facilities;

(5) Outbuildings or detached structures;

(6) Seawalls, break-walls, and docks; and

(7) Erosion control and earth stabilization measures.

(g) When inspecting roof systems the home inspector shall inspect:

- (1) Roofing materials;
- (2) Roof drainage systems;
- (3) Flashing; and
- (4) Skylights, chimney exteriors, and roof penetrations.

(h) When inspecting the roof systems the home inspector shall describe:

- (1) Roofing materials;
- (2) Roof drainage systems; and
- (3) Chimney exteriors.

(i) When inspecting the roof system the home inspector shall report the methods used to inspect the roofing.

(j) The home inspector shall not be required to inspect:

- (1) Antennae;
- (2) Interiors of flues or chimneys; and
- (3) Other installed accessories.

(k) When inspecting the plumbing system the home inspector shall inspect:

- (1) Interior water supply and distribution systems including all fixtures and faucets;
- (2) Drain, waste and vent systems including all fixtures;
- (3) Water heating equipment and hot water supply system;
- (4) Vent systems;
- (5) Fuel storage and fuel distribution systems within the structure; and
- (6) Drainage sumps, sump pumps, and related piping.

(l) When inspecting the plumbing system the home inspector shall describe:

- (1) Interior water supply and distribution systems;
- (2) Drain, waste and vent systems;

- (3) Water heating equipment and hot water supply system; and
- (4) Fuel storage and distribution systems.

(m) When inspecting the plumbing system the home inspector shall report the location of main water and main fuel shut-off valves.

(n) The home inspector shall not be required to inspect:

- (1) Clothes washing machine connections;
- (2) Interiors of flues or chimneys;
- (3) Wells, well pumps, or water storage related equipment;
- (4) Water conditioning systems;
- (5) Solar water heating systems;
- (6) Fire and lawn sprinkler systems;
- (7) Private waste disposal and sewer ejector systems; and
- (8) Automatic safety controls or manual stop valves.

(o) The home inspector shall not be required to determine:

- (1) Whether water supply and waste disposal systems are public or private; and
- (2) Water supply quantity or quality.

(p) When inspecting the electrical system the home inspector shall inspect:

- (1) Service drop;
- (2) Service entrance conductors, cables, and raceways;
- (3) Service equipment and main disconnects;
- (4) Service grounding;
- (5) Interior components of service panels and sub panels;
- (6) Conductors;
- (7) overcurrent protection devices; and
- (8) A representative number of installed lighting fixtures, switches, and receptacles.

(q) When inspecting the electrical system the home inspector shall describe:

- (1) Amperage and voltage rating of the service;
- (2) The location of main disconnects and sub panels;
- (3) Wiring methods;
- (4) Service grounding; and
- (5) Over current protection devices.

(r) When inspecting the electrical system the home inspector shall report:

- (1) Presence of solid conductor aluminum branch circuit wiring; and
- (2) Absence of smoke detectors, ground fault circuit interrupters, and arc fault interrupters

(s) The home inspector shall not be required to inspect:

- (1) Remote control devices;
- (2) Alarm systems and components;
- (3) Low voltage wiring systems and components;
- (4) Ancillary wiring systems and components not a part of the primary electrical power distribution system within the house structure; and
- (5) Generators and their control and distribution systems.

(t) The home inspector shall not measure amperage, voltage or impedance.

(u) When inspecting the heating system the home inspector shall open readily accessible panels and inspect:

- (1) Installed central heating system;
- (2) Distribution system;
- (3) Vent systems and chimney exteriors; and
- (4) Fuel storage and distribution systems excluding propane tanks.

(v) When inspecting the heating system the home inspector shall describe:

- (1) Installed central heating system;

(2) Distribution system; and

(3) Vent systems.

(w) When inspecting the heating system the home inspector shall report energy source or sources.

(x) The home inspector shall not be required to inspect:

(1) Interiors of flues or chimneys;

(2) Heat exchangers;

(3) Humidifiers or dehumidifiers;

(4) Electronic air filters;

(5) Solar space heating systems;

(6) Mechanical dampers; and

(7) Propane tanks.

(y) The home inspector shall not be required to determine heat supply adequacy or distribution balance.

(z) When inspecting the air conditioning system the home inspector shall open readily accessible panels to inspect:

(1) Permanently installed central systems; and

(2) Distribution systems.

(aa) When inspecting the air conditioning system the home inspector shall describe permanently installed central systems.

(bb) The home inspector shall not be required to:

(1) Inspect electronic air filters;

(2) Determine cooling supply adequacy or distribution balance;

(3) Inspect window or wall mounted air conditioning units; and

(4) Operate air conditioning systems when the conditions adversely affect the operation of the equipment.

(cc) When inspecting the interior the home inspector shall inspect:

- (1) Walls, ceilings, and floors;
- (2) Steps, stairways, and railings;
- (3) Countertops and a representative number of installed cabinets;
- (4) Garage doors and garage door operators; and
- (5) A representative number of windows and doors.

(dd) The home inspector shall not be required to inspect:

- (1) Paint, wallpaper, and other finish treatments;
- (2) Finished floor coverings;
- (3) Window treatments;
- (4) Central vacuum systems;
- (5) Household appliances; and
- (6) Recreational facilities.

(ee) When inspecting the insulation and ventilation the home inspector shall inspect:

- (1) Insulation in unfinished spaces;
- (2) Ventilation of attics and foundation areas; and
- (3) Mechanical ventilation systems.

(ff) When inspecting insulation and ventilation the home inspector shall describe:

- (1) Insulation in unfinished spaces; and
- (2) Ventilation of attics and foundation areas.

(gg) When inspecting insulation and ventilation the home inspector shall report: the absence of insulation in unfinished spaces at conditioned surfaces.

(hh) The home inspector shall not be required to:

- (1) Disturb insulation;
- (2) Identify types of insulation; and
- (3) Inspect air-to-air exchangers or other similar systems.

(ii) When inspecting fireplaces the home inspector shall inspect:

- (1) Built-in fireplaces; and
- (2) Chimney exterior and vents.

(jj) When inspecting fireplaces the home inspector shall describe built-in fireplaces

(kk) The home inspector shall not be required to inspect:

1. Interiors of flues or chimneys;
2. Fire screens and doors;
3. Seals and gaskets;
4. Automatic fuel feed devices;
5. Mantles and fireplace surrounds;
6. Combustion make-up air devices;
7. Heat distribution assists, gravity fed and fan assisted;
8. Solid fuel burning appliances; and
9. Gas appliances.

(ll) The home inspector shall not be required to:

- (1) Ignite or extinguish fires;
- (2) Determine draft characteristics; and
- (3) Move fireplace inserts and stoves or firebox contents.

(mm) Inspectors shall not be required to determine:

- (1) Conditions of systems or components that are not readily accessible;
- (2) Remaining life expectancy of any system or component;
- (3) Strength, adequacy, effectiveness, or efficiency of any system or component;
- (4) The causes of any condition or deficiency;
- (5) Methods or materials necessary for corrections;

- (6) The suitability of the property for any specialized use;
- (7) Compliance with regulatory requirements including codes, regulations, laws, ordinances and manufacturers installation specifications;
- (8) the presence of potentially hazardous plants or animals including, but not limited to wood destroying organisms or diseases harmful to humans including molds or mold-like substances;
- (9) The presence of any environmental hazards including, but not limited to toxins, carcinogens, noise, and contaminants in soil, water, and air;
- (10) The effectiveness of any system installed or method utilized to control or remove suspected hazardous substances; and
- (11) Soil conditions relating to geotechnical or hydrologic specialties.

(nn) Home inspectors shall not be required to enter:

- (1) Any area that will, in the opinion of the inspector, likely be dangerous to the inspector or other persons or damage the property or its systems or components; and
- (2) Attics and under-floor crawl spaces that are not readily accessible.

(oo) Home inspectors shall not be required to inspect:

- (1) Underground items including, but not limited to underground storage tanks or other underground indications of their presence, whether abandoned or active;
- (2) Items that are not installed;
- (3) Installed decorative items;
- (4) Items in areas that are not entered in accordance with Home 502.04 (oo) (1);
- (5) Detached structures;
- (6) Common elements or common areas in multi-unit housing, such as condominium properties or cooperative housing; and
- (7) Interiors of flues, vents, or chimneys

(pp) Home inspectors shall not be required to:

- (1) Perform any procedure or operation that will, in the opinion of the inspector, likely be dangerous to the inspector or other persons or damage the property or its systems or components;

- (2) Use a ladder;
 - (3) Describe or report on any system or component that is not included in these Standards and was not inspected;
 - (4) Move personal property, furniture, equipment, plants, soil, snow, ice, or debris;
 - (5) Dismantle any system or component, except as explicitly required by these standards of practice;
 - (6) Walk on roofs; and
 - (7) Operate sump pumps.
- (qq) Home Inspectors shall not:
- (1) Report on market value of property or its marketability;
 - (2) Report on the advisability or inadvisability of the purchase of the property;
 - (3) Offer or perform additional inspectional services such as engineering, architectural, surveying, plumbing, electrical, pest control, or any other inspectional service requiring an occupational license and or registration in the jurisdiction where the inspection is taking place, unless the inspector holds a valid registration and or occupational license, in which case he or she may inform the client that he or she is so registered/licensed, and is therefore qualified to go beyond this subdivision;
 - (4) Estimate or project the cost of repairs;
 - (5) Determine or verify property lines;
 - (6) Operate any system or component that is shut down or otherwise inoperable;
 - (7) Operate any system or component, which does not respond to normal operating controls;
 - (8) Predict future conditions and failure of systems or components;
 - (9) Project operating costs of systems or components;
 - (10) Evaluate acoustical characteristics of any system or component;
 - (11) Determine any basement or crawlspace water tightness; and
 - (12) Ignite or extinguish fires.

(rr) The home inspector is not required to perform any action or make any determination not specifically stated in these standards of practice.

(ss) Inspections performed in accordance with these standards of practice:

(1) Are not technically exhaustive; and

(2) Are not required to identify concealed conditions, latent defects, or consequential damage or damages.

(tt) These standards of practice are applicable to buildings with four or fewer dwelling units, individual residential condominium units, and their attached garages or attached carports.

PART Home 503 VOLUNTARY LICENSE SURRENDER

Home 503.01 Procedure for Surrendering a License. Any person holding a license may voluntarily surrender that license by returning it to the board accompanied by a signed letter stating that he/she intends to surrender his/her license.

Home 503.02 Effect of Voluntary License Surrender.

(a) A licensee who voluntarily surrenders a license shall retain no right or privilege of a New Hampshire license unless such a right or privilege is expressly preserved in the board order or settlement agreement authorizing the voluntary surrender. Subject to such possible preservations, a person who reapplies for licensure in New Hampshire after a voluntary surrender shall have the burden of proving compliance with all of the requirements then in effect for new applicants and professional character requirements.

(b) Non-renewal of a license shall not preclude the board from investigating or completing a disciplinary proceeding based upon the licensee's professional conduct while the license was still in effect. Nor shall surrender of a license preclude the board from investigating disciplinary proceedings not expressly referenced in the voluntary surrender order or settlement agreement. Such investigations and proceedings shall be handled in the same manner as other disciplinary investigations and proceedings.

Home 503.03 Voluntary Surrender When Misconduct Allegations are Pending.

(a) A licensee who wishes to surrender his or her license as part of a settlement of pending misconduct allegations shall make a written settlement offer to the board before the close of the record in a disciplinary hearing.

(b) Any settlement agreement reached under (a), above, shall include the following concessions:

(1) That the license surrender has occurred in settlement of pending disciplinary charges; and

(2) That the pending disciplinary allegations shall be fully resolved in

any future application filed by the licensee in New Hampshire.

(c) The board shall decline to accept a settlement agreement under (a), above, if the board believes the licensee has declined to disclose material information concerning the alleged misconduct or has refused to stipulate to the truth of specific material facts concerning the alleged misconduct which would be necessary to protect the public interest in the event the licensee subsequently reapplies for a license.

(d) A licensee's stipulation of facts shall be exempt from public disclosure to the extent permitted by RSA 91-A and if the public portion of the settlement agreement or surrender document expressly states that a separate, confidential stipulation of facts is on file with the board.

(e) The fact of license surrender and the terms of any settlement agreement pertaining thereto shall be distributed to all relevant licensing authorities and professional societies in the same manner as a final decision containing specific finding of professional misconduct.