

From: [Hammond, Abigail M](#)
To: [Waddell, Karen E](#)
Subject: RE: Home Inspectors rule
Date: Friday, May 16, 2014 3:41:04 PM

Thank you Karen. I will plan on the RRC seeing this Rule at the July 17th meeting. Does that work for you?

Thanks,
Abby

From: Waddell, Karen E
Sent: Friday, May 16, 2014 2:04 PM
To: Hammond, Abigail M
Subject: RE: Home Inspectors rule

Thanks Abby – the Board meeting for the Home Inspectors is July 11th.

Have a great weekend.
Karen

From: Hammond, Abigail M
Sent: Friday, May 16, 2014 9:42 AM
To: Waddell, Karen E
Cc: Brincefield, Julie
Subject: Home Inspectors rule

Good morning Karen,

I wanted to follow up about 11 NCAC 08 .1103, the rule that the period of review was extended at yesterday's Rules Review Commission meeting. When is the next meeting of this Board? I feel as though you previously mentioned a July meeting, but I am trying to plan on when a response would be received from the Board.

Thank you,
Abby

*Abigail M. Hammond
Counsel to the Rules Review Commission
Office of Administrative Hearings
Direct Dial: (919) 431-3076*

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STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

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1711 New Hope Church Rd
Raleigh, NC 27609-6285

May 16, 2014

Karen E. Waddell
Rulemaking Coordinator
1201 Mail Service Center
Raleigh, NC 27699-1201

Re: 11 NCAC 08 .1103

Dear Ms. Waddell:

At its May 15, 2014 meeting, the Rules Review Commission extended the period of review on the above-captioned rule in accordance with G.S. 150B-21.13. The Commission extended the period of review to allow the Home Inspector Licensure Board additional time to review staff's Request for Technical Changes.

If you have any questions regarding the Commission's action, please do not hesitate to contact me directly at (919) 431-3076.

Sincerely,

Abigail M. Hammond
Commission Counsel

Administration
919/431-3000
fax: 919/431-3100

Rules Division
919/431-3000
fax: 919/431-3104

Judges and
Assistants
919/431-3000
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Clerk's Office
919/431-3000
fax: 919/431-3100

Rules Review
Commission
919/431-3000
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Civil Rights
Division
919/431-3036
fax: 919/431-3103

Date: May 9, 2014
To: Rules Review Commission
From: Karen Waddell, APA Coordinator
NC Department of Insurance
Re: 11 NCAC 08 .1103

The Home Inspector's Licensure Board would like the review of Rule 11 NCAC 08 .1103 to be extended to allow the Board to consider the Request for Technical Changes at the next Board meeting in July, 2014. Extending the period of review for Rule 11 NCAC 08 .1103 has no impact on the remaining Home Inspector Licensure rules pending review before the Commission.

If you require additional information, please do not hesitate to contact me.

Karen E. Waddell

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Home Inspectors Licensure Board

RULE CITATION: 11 NCAC 08 .1103

DEADLINE FOR RECEIPT: Friday, May 9, 2014

NOTE WELL: *This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

On the form, please complete boxes 7 and 8.

Lines 8 thru 9 references "the Standards of Practice of the North Carolina Home Inspector Licensure Board." Is there something that should be incorporated or cross-referenced to provide information to the regulated public regarding where to find these standards?

Line 10 references "the cost." Are the costs contained in another rule that should be cross-referenced?

Line 13, delete or define the term "readily" that appears twice

Line 13, the phrase "install systems and components listed in this Section" seems cumbersome and vague. Consider tracking the language in lines 16 thru 17 of "install systems and components described in Rules .1106 through .1115 of this Section."

Line 20, delete "so" before "inspected"

Lines 20 thru 21, consider breaking this into two separate subparagraphs, as follows:

State any systems or components inspected that do not function as intended, allowing for normal wear and tear that does not prevent the system or component from functioning as intended;

State any systems or components that poses a safety concern for the dwelling;

The language currently in lines 20 thru 21 does appear to closely restate the statute, but does not perfectly track the statutory language. If this language is necessary for a rule, the above suggested language accurately reflects the content of the statute.

*Line 23, "component or system" is in a different order than in other locations.
Reorganize as "system or component"*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road,
Raleigh, North Carolina 27609.

1 **11 NCAC 08 .1103 IS AMENDED AS PUBLISHED IN NCR 28:15 1713-1714 AS FOLLOWS:**

2
3 **11 NCAC 08 .1103 PURPOSE AND SCOPE**

4 (a) Home inspections performed according to this Section shall provide the client with an understanding of the property
5 conditions, as inspected at the time of the home inspection.

6 (b) Home inspectors shall:

- 7 (1) Provide a written contract, signed by the client, before the home inspection is performed that shall:
- 8 (A) State that the home inspection is in accordance with the Standards of Practice of the North
9 Carolina Home Inspector Licensure Board;
- 10 (B) Describe what services shall be provided and ~~their~~the cost; and
- 11 (C) State, when an inspection is for only one or a limited number of systems or components, that
12 the inspection is limited to only those systems or components;
- 13 (2) Inspect readily visible and readily accessible installed systems and components listed in this Section;
14 and
- 15 (3) Submit a written report to the client that shall:
- 16 (A) Describe those systems and components required to be described in Rules .1106 through
17 .1115 of this Section;
- 18 (B) State which systems and components present at the home and designated for inspection in
19 this Section were not inspected, and the reason for not inspecting;
- 20 (C) State any systems or components so inspected that do not function as intended, allowing for
21 normal wear and tear, or adversely affect the habitability of the dwelling;
- 22 (D) State whether the condition reported requires repair or subsequent observation, or warrants
23 further investigation by a specialist. The statements shall describe the component or system
24 and how the condition is defective, explain the consequences of the condition, and direct the
25 recipient to a course of action with regard to the condition or refer the recipient to a
26 specialist; and
- 27 (E) State the name, license number, and signature of the person ~~supervising the inspection and~~
28 ~~the name, license number, and signature of the person~~ conducting the inspection.

29 (c) This Section does not limit home inspectors from:

- 30 (1) Reporting observations and conditions or rendering opinions of items in addition to those required in
31 Paragraph (b) of this Rule; or
- 32 (2) Excluding systems and components from the inspection if requested by the client, and so stated in the
33 written contract.
- 34

35 *History Note: Authority G.S. 143-151.49; 143-151.58;*

36 *Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15,*
37 *1996;*

1 *Temporary Adoption Eff. October 24, 1996;*
2 *Eff. July 1, 1998;*
3 *Amended Eff. October 1, 2014; October 1, 2011; March 1, 2010; February 1, 2009; February 1,*
4 *2007; April 1, 2005; May 1, 2003; July 1, 2000.*

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