REQUEST FOR TECHNICAL CHANGE

AGENCY: Home Inspector Licensure Board

RULE CITATION: 11 NCAC 08 .1202

DEADLINE FOR RECEIPT: Friday, December 13, 2013

***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:

*On the Submission for Permanent Rule form, box 9B includes a reference to 11 NCAC 08.12.1202. Please fix the citation*

*Line 7 restricts consideration of complaints to only three years from date of the inspection. What is the statutory authority for that sentence?*

*In lines 9-10, the sentence references a “memo.” Where is this memo located? Is it on a website? Who does someone contact to make a request? This sentence needs more details about how to obtain the memo and the content of the memo.*

*In line 11, the word “about” should be deleted and it should be replaced with the phrase “of as set forth in G.S. 143-151.56(a).”*

*In lines 16 through 17, the sentence “A copy of the contract…with the complaint” should be moved to line 12 and create a new Paragraph (d). The remainder of the current Paragraph (d) should be moved to line 21 as a new Paragraph (f).*

*Lines 12 through 16 set forth the pleading requirements for the complaint. The requirements seem a little burdensome. The following may help to reduce the burden on a complaining home owner who is not familiar with pleading damages or an injury:*

1. *Line 12, delete “specific”*
2. *Line 14, replace “must” with “may”*

*The current Paragraphs (f), (g), and (h) should be re-lettered.*

*The current Paragraph (f) seems unclear. Could a termite inspector be a home inspector? This sentence may be clear if re-written as follows:*

*The Board has jurisdiction of persons rendering services as a home inspector, including services within the jurisdiction of another regulatory agency or licensing board, such as a home inspector conducting: a termite inspection; an appraisal, or services rendered by licensed architects, engineers, or general contractors.*

 *In the History Note, put statutory citations in numerical order.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Home Inspector Licensure Board

RULE CITATION: 11 NCAC 08 .1204

DEADLINE FOR RECEIPT: Friday, December 13, 2013

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In reviewing these rules, the staff determined that the following technical changes need to be made:

*On the Submission for Permanent Rule form, box 9B includes a reference to 11 NCAC 08.12.1204. Please fix the citation.*

*In line 7, does the copy of the complaint to the home inspector include the supporting documents? If so, please indicate that in the rule.*

*In line 7, add “home” before the second “inspector”*

*In line 29, delete the comma after “agreement”*

*In line 31, is the licensee the home inspector? If so, the terms should remain consistent through the rule, which appears to be using “home inspector.”*

*Also in line 31, the licensee/home inspector receives notice of the hearing. Does the complainant receive notice of the hearing?*

*For Paragraph (c), are there appeal rights or the ability to request a review of Subparagraphs (1) and (2)?*

*For Paragraph (d), what is the statutory authority for the clause after “determination”? There is no statutory language requiring findings, but there is also no statutory authority to restrict the release of information.*

*Add 143-151.56 to the statutory authority.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Home Inspector Licensure Board

RULE CITATION: 11 NCAC 08 .1205

DEADLINE FOR RECEIPT: Friday, December 13, 2013

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In reviewing these rules, the staff determined that the following technical changes need to be made:

*On the Submission for Permanent Rule form, box 9B includes a reference to 11 NCAC 08.12.1205. Please fix the citation.*

*Add 143-151.56 to the statutory authority.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.