

Home Inspection Advisory Committee

Minutes of February 13, 2001

Public Session

CALL TO ORDER

The meeting of the Home Inspection Advisory Committee was called to order by Chairman Randy Ortiz at 9:20am in the Sussex Conference Room, 6th Floor, 124 Halsey Street, Newark, New Jersey. All parties were duly notified of the time, date and place and all pertinent material had been provided.

SUNSHINE LAW ANNOUNCEMENT

William Mandeville, Management Assistant, read the statement required by Chapter 231, Laws of 1975 known as the Open Public Meetings Act, and announced that notice of the meeting was prepared in the Office of the Committee and mailed to the Secretary of State, the Star Ledger, the Courier Post, the Bergen Record and the Atlantic City Press.

ROLL CALL

CMs present:

Randy Ortiz	Robert Corrado
Michael Fitzpatrick	Thomas Kraeutler

CMs absent:

Robert Lacovara

Others present: Arthur Russo, Executive Director, William Mandeville, Management Assistant, Joseph Grabowy, Management Assistant, Ernest Gonzalez, Recording Secretary, Deputy Attorney General Olga E. Bradford, and five members of the public.

CANCELLATION OF MEETING

The Executive Director stated that the meeting of January 9, 2001 was canceled because of the lack of an agenda and that all pertinent parties were duly notified.

APPROVAL OF MINUTES

December 12, 2000

On a motion by CM Fitzpatrick, seconded by CM Kraeutler, the Committee unanimously voted to approve the minutes of December 12, 2000 as amended.

REPORT OF THE EXECUTIVE DIRECTOR

Incoming Correspondence

Thomas A. Henry, PhD. New Jersey Department of Education

RE: Clarification of Course Sites for the Home Inspection Programs (January 3, 2001)

In his correspondence, Dr. Henry wishes to confirm the number of sites the Department of Education (DOE) would be willing to fund for start-up costs for the home inspection educational programs. His recollection was that the programs would initially be offered in four vocational schools in the following counties: Bergen, Morris, Burlington, and Middlesex. CM Fitzpatrick indicated that he has been speaking with Dr. Martha Hulleatte, also of DOE, on the number of vocational schools deemed necessary to provide ample state coverage of the home inspector curriculum. Initially, the Committee decided that three vocational schools would provide sufficient coverage for interested candidates from around the state. However, after further discussion on this matter, it was decided that Burlington county should be added to the list. On a motion by CM Kraeutler, seconded by CM Fitzpatrick, the Committee unanimously agreed to strike their previous motion accepting coverage only in three counties and to approve the four counties as indicated by Dr. Henry. ED Russo will draft a letter to Dr. Henry notifying him of the Committee's approval of the four county vocational technical school coverage.

In addition, ED Russo will advise Dr. Henry that publication of the proposed home inspector regulations in the New Jersey Register is the next milestone in the approval process, and that it generally takes two to four weeks to obtain a firm publishing date. The home inspector program must be operational in the four county vocational schools at the time of adoption in the NJ Register.

LEGISLATION

A3081 - The New Home Warranty and Builders' Registration Act - This bill, introduced by Assemblymen John V. Kelly and Kevin J. O'Toole, amends "The New Home Warranty and Builders' Registration Act" to prohibit certain transfers from the warranty security fund and require premium adjustments. On January 9, 2001, the bill was introduced and referred to the Assembly Housing Committee. The Committee reviewed and discussed this bill and voted to take no position since it had no practical ramifications on the Committee.

A3154 - Permits issuance of home inspector licenses to certain licensed professional engineers and architects - This bill introduced by Assemblymen Jeffrey W. Moran and Anthony Impreveduto, was referred to the Assembly Consumer Affairs and Regulated Professions Committee on January 23, 2001. The bill permits licensed professional engineers or architects in New Jersey to be licensed as home inspectors, notwithstanding the requirements of the Home Inspection Professional Licensing Act," P.L. 1997, c.323 (C.45:8-61 et seq.). In addition, it states that no persons licensed as a home inspector shall engage in the practice of professional engineering or architecture unless so licensed. The Committee reviewed and discussed the bill and on a motion by CM Kraeutler, seconded by CM Fitzpatrick, it unanimously voted to oppose it.

S1915 - Permits issuance of home inspector licenses to certain licensed construction and building subcode officials - This bill was introduced on December 4, 2000 by Senator Anthony R. Bucco and referred to the Senate Community and Urban Affairs Committee. The bill would permit persons licensed by the Department of Community Affairs as both a Construction Official and a Building Subcode Official, who have been employed in either capacity for a minimum of three years prior to the effective date of the bill to be licensed as home inspectors, notwithstanding the requirements of the "Home Inspection Professional Licensing Act," P.L.1997, c.323 (C.45:8-61 et seq.); provided that the persons have passed the National

Examinations for the 1A, 1B and 4A mechanical one and two family dwellings, or their equivalents as determined by the Commissioner of Community Affairs, and currently possess an I.C.S. (Specializing in industrial and commercial structures) Building Inspector's license. Such individuals already possess training in excess of that required under the "Home Inspection Professional Licensing Act." After reviewing and discussing this bill the Committee agreed unanimously to oppose it.

A3027 - Revises various provisions of the "Home Inspection Professional Licensing Act" - This bill was introduced on December 7, 2000 by Assemblyman Anthony Impreveduto and referred to the Assembly Consumer Affairs and Regulated Professions Committee. The bill amends and supplements the "Home Inspection Professional Licensing Act," P.L. 1997, c.323 (C.45:8-61 et seq.) by adding three members to the Home Inspection Advisory Committee, including two construction or subcode officials licensed pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), and one representative of a county college.

A3027 further stipulates that, as a condition for biennial license renewal as a home inspector or associate home inspector, an individual shall complete 20 credit hours of continuing education. The Home Inspection Advisory Committee (Committee) shall establish standards for continued home inspector education, including the subject matter and content of courses of study and the selection of instructors, and approve programs offering continuing education credits.

Under current law, to be eligible for licensure as a home inspector or associate home inspector, an applicant is required to pass the examination offered by the American Society of Home Inspectors (ASHI). As provided in this bill, to be eligible to be so licensed an individual would be required to pass the examination offered by ASHI or any other examination administered or approved by the Committee.

Current law also requires an applicant seeking licensure as a home inspector to have been engaged as a licensed associate home inspector for not less than one year, and have performed not less than 250 home inspections for compensation. This bill provides that in order to satisfy the requirements for licensure as a home inspector, an applicant may, instead, successfully complete a course of instruction in home inspection, which shall include not less than 50 home inspections, offered by county colleges licensed by the New Jersey Commission on Higher Education.

Furthermore, this bill provides that certain building inspectors licensed in accordance with the "State Uniform Construction Code Act" shall, upon application, be issued a home inspector license under certain circumstances. To be eligible for licensure as a home inspector, the building inspector shall have a speciality in high-rise and hazardous structures (H.H.S.) or a speciality in industrial and commercial structures (I.C.S.), provided that the building inspector has not less than five years of experience relating to the construction industry, is of good moral character, has successfully completed high school or its equivalent, and has passed the ASHI examination or any other examination administered or approved by the Committee.

After a review and discussion on this matter the Committee unanimously voted to oppose this bill.

In response to A3081, A3154 and S1915, CM Kraeutler drafted a general letter to Director Mark S. Herr advising him of the Committee's strong opposition to each bill. After a discussion, the Committee approved the draft of its position, with amendments, and directed CM Kraeutler to prepare three separate letters of opposition to these bills for forwarding to Director Herr.

ARTICLES OF INTEREST

Water-Water Everywhere

The Committee noted this article for the record.

CONSUMER BROCHURE

A draft version of a Consumer Information Brochure about home inspections in New Jersey was prepared by CM Fitzpatrick and reviewed by the Committee. Once finalized, this brochure will explain what a home inspection is and its purpose, the role of a home inspector and his functions and duties, and will include some key points on the governing regulations. This pamphlet will be revised and resubmitted to the Committee for a final review before being forwarded for editing and approval. CM Kraeutler will work, along with CM Fitzpatrick, on redrafting the brochure. Ultimately, this brochure will serve as a consumer information guide and marketing tool for home inspectors.

DRAFTED "CURRICULUM - WRITTEN/VERBAL COMMUNICATION"

This report, drafted by CM Fitzpatrick, deals with the necessary components of courses in written and verbal communications. He stressed the importance of developing written communication skills as they relate to report writing, pre-inspection agreements, addendums and supplements to reports according to the proposed regulations. He emphasized the significance of having strong verbal communication skills which will allow inspectors to comfortably speak with clients, realtors and attorneys regarding their practice, inspection and written reports. The Committee, following its review of CM Fitzpatrick's recommendation, voted to approve this curriculum. These recommendations will be communicated to the DOE for inclusion into the home inspector curriculum.

MOVE TO EXECUTIVE SESSION

On a motion by CM Kraeutler, seconded by VC Corrado, the Committee unanimously voted to enter into Executive Session for the purpose of discussing the status of complaints.

RETURN TO PUBLIC SESSION

On a motion made in Executive Session, the Committee returned to Public Session to complete the Public Session agenda.

APPEARANCE BY DEPUTY DIRECTOR ANTHONY MIRAGLIOTTA AND REGULATORY ANALYST STACY MOLA

Deputy Director Miragliotta informed the Committee that the Office of the Attorney General (OAG) has finished its review of the draft home inspection regulations. In its review the OAG made some minor changes regarding codification of issues and typographical errors. One issue arose as to how associate home inspectors will be able to perform fifty inspections under the guidance of licensed home inspectors since no licensed home inspector will exist at the time licensure begins. The response is that certain experienced home inspectors will be "grandfathered" and will serve as mentors under an apprenticeship program. The regulations are currently in the Governor's Office for final review. Mr. Miragliotta advised the Committee that he will attempt to determine who is reviewing the regulations.

In addition, Anthony Miragliotta stated that he will advise the staff and Committee approximately two or three weeks prior to the printing of the regulations in the New Jersey Register. All comments and suggestions accumulated during the thirty day public comment period will be forwarded to the committee for review and response. It is anticipated that the grandfathering clause may be an area of significant comment since it directly affects an individual's livelihood. Based upon the quantity of public comments received, the Committee may request the Department of Education (DOE) to modify the home inspector curriculum, as

necessary. Mr. Miragliotta will notify the DOE sufficiently in advance of the publication of the regulations. The DOE must complete its responsibilities within one year after the publication of the proposed regulations in the New Jersey Register.

RETURN TO EXECUTIVE SESSION

On a motion by VC Corrado, seconded by CM Kraeutler, the Committee unanimously voted to return to Executive Session to complete the Executive Session agenda.

RETURN TO PUBLIC SESSION

On a motion contained within Executive Session, the Committee unanimously voted to return to Public Session for the purpose of adjournment.

ADJOURNMENT

On a motion by CM Fitzpatrick, seconded by CM Kraeutler, the Committee unanimously voted to adjourn at 3:15pm.

Approved by:

Randy Ortiz,
Chairman

Arthur Russo
Executive Director

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Posted March 2002