

13:40-15.16 STANDARDS OF PRACTICE

a) All licensees shall comply with the standards of practice contained in this section when conducting home inspections.

The scope of home inspection services performed in compliance with the standards set forth in this section shall provide the client with objective information regarding the condition of the systems and components of the home as determined at the time of the home inspection.

b) Nothing in this section shall be construed to require a licensee to:

- 1) **Enter** any area or perform any procedure that is, in the opinion of the licensee, unsafe and likely to be dangerous to the inspector or other persons;
- 2) **Enter** any area or perform any procedure that will, in the opinion of the licensee, likely damage the property or its systems or components;
- 3) **Enter** any area which does not have at least 24 inches of unobstructed vertical clearance and at least 30 inches of unobstructed horizontal clearance;
- 4) **Identify** concealed conditions and latent defects;
- 5) **Determine** life expectancy of any system or component;
- 6) **Determine** the cause of any condition or deficiency;
- 7) **Determine** future conditions that may occur including the failure of systems and components including consequential damage;
- 8) **Determine** the operating costs of systems or components;
- 9) **Determine** the suitability of the property for any specialized use;
- 10) **Determine** compliance with codes, regulations and/or ordinances;
- 11) **Determine** market value of the property or its marketability;
- 12) **Determine** advisability of purchase of the property;
- 13) **Determine** the presence of any potentially hazardous plants, animals or diseases or the presence of any suspected hazardous substances or adverse conditions such as mold, fungus, toxins, carcinogens, noise, and contaminants in soil, water, and air;
- 14) **Identify** the presence of, or determine the effectiveness of any system installed or method utilized to control or remove suspected hazardous substances;
- 15) **Operate** any system or component which is shut down or otherwise inoperable;
- 16) **Operate** any system or component which does not respond to normal operating controls;
- 17) **Operate** shut-off valves;
- 18) **Determine** whether water supply and waste disposal systems are public or private;
- 19) **Insert** any tool, probe or testing device inside electrical panels;
- 20) **Dismantle** any electrical device or control other than to remove the covers of main and sub panels;
- 21) **Inspect**, identify, or disclose ancillary electrical devices and/or systems, such as, but not limited to, Arc Fault Circuit Interrupters (AFCIs), standby generators, and photovoltaic (solar) panels;
- 22) **Walk** on unfloored sections of attics; and
- 23) **Light** pilot flames or ignite or extinguish fires.

c) Licensees shall:

1) Inspect the following systems and components in residential buildings and other related residential housing components:

- i) Structural components as required by (e) below;
- ii) Exterior components as required by (f) below;
- iii) Roofing system components as required by (g) below;
- iv) Plumbing system components as required by (h) below;
- v) Electrical system components as required by (i) below;
- vi) Heating system components as required by (j) below;
- vii) Cooling system components as required by (k) below;
- viii) Interior components as required by (l) below;
- ix) Insulation components and ventilation system as required by (m) below; and
- x) Fireplaces and solid fuel burning appliances as required by (n) below;

2) Prepare a home inspection report, which shall:

- i) Disclose those systems and components as set forth in (c)1 above which were present at the time of inspection;
- ii) Disclose systems and components as set forth in (c)1 above that were present at the time of the home inspection but were not inspected, and the reason(s) they were not inspected:
 - (1) If a system and/or component was present at the time of inspection, but not inspected at the request of the client or because the system or component could not be observed, the report must note this.
- iii) Describe the systems and components specified in (c)1 above;
- iv) State material defects found in systems or components specified in (c)1 above;
- v) State the significance of findings where any material defects in the systems and components of (c)1 above were found; and
- vi) Provide recommendations where material defects were found to repair, replace or monitor a system or component specified in (c)1 above or to obtain examination and analysis by a qualified professional, tradesman, or service technician without determining the methods, materials or cost of corrections; and

3) Retain copies of all home inspection reports prepared pursuant to (c)2 above, for a period of five years upon completion of the report;

d) Subsection (c) above is not intended to limit licensees from:

1) Inspecting or reporting observations and conditions observed in systems and components in addition to those required in (c)1 above and inspecting systems and components other than those mandated for inspection in (c)1 above as long as the inspection and reporting is based on the licensee's professional opinion, prior work experience, education and training, unless these standards of practice prohibit the licensee from inspecting such systems or component;

2) Contracting with the client to provide, for an additional fee additional inspection services provided the licensee is educated, trained, certified, registered or licensed, pursuant to the provisions of N.J.A.C. 13:40-15.21 and other applicable statutes and rules; and

3) Excluding systems and components from the inspection pursuant to N.J.A.C. 13:40- 15.15(b) and (c)2ii above.

g) *ROOF* When inspecting the roof of a residential building, the licensee shall:

1) Inspect:

- i) Roofing surface, excluding antennae and other installed accessories such as solar heating systems, lightning arresters, and satellite dishes;
- ii) Roof Drainage systems;
- iii) Flashing;
- iv) Skylights; and
- v) Exterior of chimneys;

2) Describe:

- i) Roof surface;
- ii) Deficiencies of the roof drainage systems;
- iii) Deficiencies in flashing;
- iv) Skylights; and
- v) Chimneys;

3) Employ reasonable, practicable and safe methods to inspect the roof such as:

- i) Walking on the roof;
- ii) Observation from a ladder at roof level;
- iii) Visual examination with binoculars from ground level; or
- iv) Through the use of a drone or similar unmanned aircraft systems (consistent with applicable State or Federal laws, rules, and regulations on licensure or certification requirements for the commercial use of drones or similar unmanned aircraft systems); and

4) Describe the methods used to inspect the roof.

f) *EXTERIOR* When conducting the inspection of the exterior components, a licensee shall:

1) Inspect:

- i) Exterior surfaces, excluding shutters, and screening, awnings, and other similar seasonal accessories;
- ii) Exterior doors excluding storm doors or safety glazing;
- iii) Windows excluding storm windows and safety glazing;
- iv) Attached or adjacent decks, balconies, stoops, steps, porches, and their railings;**
- v) Vegetation, grading, drainage, and retaining walls with respect to their immediate detrimental effect on the condition of the residential building, excluding fences, geological and/or soil conditions, sea walls, break-walls, bulkheads and docks, or erosion control and earth stabilization;**
- vi) Attached or adjacent walkways, patios, and driveways; and**
- vii) Garage doors including automatic door openers and entrapment protection mechanisms, excluding remote control devices; and**

2) Describe:

- i) exterior wall surface type and material.

e) *STRUCTURAL* When conducting the inspection of the structural components, licensee shall:

1) Inspect:

- i) Foundation;**
- ii) Floors;**

- iii) Walls;
- iv) Ceilings; and
- v) Roof;

2) Describe:

- i) Foundation construction type and material;
- ii) Floor construction type and material;
- iii) Wall construction type and material;
- iv) Ceiling construction type and material; and
- v) Roof construction type and material;

3) Probe structural components where deterioration is suspected unless such probing would damage any finished surface; and

4) Describe in the home inspection report the methods used to inspect under-floor crawl spaces and attics.

i) ELECTRICAL *When inspecting the electrical system, a licensee shall:*

1) Inspect:

- i) **Service entrance system;**
- ii) **Main disconnects, main panel and sub panels, including interior components of main panel and sub panels;**
- iii) **Service grounding;**
- iv) **Wiring, without measuring amperage, voltage or impedance**, excluding any wiring not a part of the primary electrical power distribution system, such as central vacuum systems, remote control devices, telephone or cable system wiring, intercom systems, security systems and low voltage wiring systems;
- v) **Over-current protection devices and the compatibility of their ampacity with that of the connected wiring;**
- vi) **At least one of each interior installed lighting fixture, switch, and receptacle per room & at least one exterior installed lighting fixture, switch, and receptacle per side of house; and**
- vii) **Ground fault circuit interrupters; and**

2) Describe:

- i) **Amperage and voltage rating of the service;**
- ii) **Location of main disconnect, main panels, and sub-panels;**
- iii) **Type of over-current protection devices;**
- iv) **Predominant type of wiring;**
- v) **Presence of knob and tube branch circuit wiring; and**
- vi) **Presence of solid conductor aluminum branch circuit wiring.**

j) HEATING *When inspecting the heating system, a licensee shall:*

1) Inspect:

- i) **Installed heating equipment and energy sources**, without determining heat supply adequacy or distribution balance, and without operating automatic safety controls or operating heat pumps when weather conditions or other circumstances may cause damage to the pumps, and excluding humidifiers, electronic air filters and solar heating systems;
- ii) **Combustion vent systems and chimneys**, excluding interiors of flues or chimneys;

- iii) **Fuel storage tanks**, excluding propane and underground storage tanks; and
- iv) **Visible and accessible portions of the heat exchanger**; and

2) Describe:

- i) **Heating equipment and distribution type**; and
- ii) **Energy sources**.

n) FIREPLACES/SOLID FUEL *When inspecting fireplaces and solid fuel burning appliances, a licensee shall:*

1) Inspect:

- i) **Fireplaces and solid fuel burning appliances, without testing draft characteristics**, excluding fire screens and doors, seals and gaskets, automatic fuel feed devices, mantles and non-structural fireplace surrounds, combustion make-up air devices, or gravity fed and fan assisted heat distribution systems; and
- ii) **Chimneys and combustion vents** excluding interiors of flues and chimneys; and

2) Describe:

- i) **Type of fireplaces and/or solid fuel burning appliances**;
- ii) **Energy source**; and
- iii) **Visible evidence of improper draft characteristics**. 13:40-15.17

k) COOLING *When inspecting the cooling system, a licensee shall:*

1) Inspect:

- i) **Central cooling system**, excluding electronic air filters and excluding determination of cooling supply adequacy or distribution balance and without operating central cooling equipment when weather conditions or other circumstances may cause damage to the cooling equipment;
- ii) **Permanently installed hard-wired, through-wall individual cooling systems**; and
- iii) **Energy sources**; and

2) Describe:

- i) **Cooling equipment and distribution type**; and
- ii) **Energy sources**.

m) INSULATION *When inspecting the insulation components and ventilation system of a residential building, the licensee shall:*

1) Inspect:

- i) **Insulation in unfinished spaces without disturbing insulation**;
- ii) **Ventilation of attics and crawlspaces**; and
- iii) **Mechanical ventilation systems**; and

2) Describe:

- i) **Insulation in unfinished spaces adjacent to heated areas**; and
- ii) **Evidence of inadequate attic and crawlspace ventilation**

n) PLUMBING *When inspecting the plumbing system, a licensee shall:*

1) Inspect:

- i) Interior water supply and distribution systems including functional water flow and functional drainage, excluding wells, well pumps, well water sampling or water storage related equipment, determination of water supply quantity or quality and water conditioning systems and lawn irrigation systems;
- ii) All interior fixtures and faucets, excluding shut off valves, wells, well pumps, well water sampling and water storage related equipment;
- iii) Drain, waste and vent systems;
- iv) Domestic water heating systems, without operating safety valves or automatic safety controls, and excluding solar water heating systems;
- v) Combustion vent systems excluding interiors of flues and chimneys;
- vi) Fuel distribution systems; and
- vii) Drainage sumps, sump pumps and related piping; and

2) Describe:

- i) Predominant interior water supply and distribution piping materials, including presence of lead water service and/or supply piping;
- ii) Predominant drain, waste and vent piping materials; and
- iii) Water heating equipment including energy sources.

1) INTERIOR *When inspecting the interior of a residential building, a licensee shall:*

1) Inspect:

- i) **Walls, ceilings, and floors** excluding paint, wallpaper and other finish treatments, carpeting and other non-permanent floor coverings;
- ii) **Steps, stairways, and railings;**
- iii) **Installed kitchen wall cabinets to determine if secure;**
- iv) **At least one interior passage door and operate one window per room** excluding window treatments; and
- v) **Household appliances limited to:**
 - (1) **The kitchen range and oven to determine operation of burners or heating elements** excluding microwave ovens and the operation of self-cleaning cycles and appliance timers and thermostats;
 - (2) **Dishwasher to determine water supply and drainage;** and
 - (3) **Garbage disposer.**

MANDATORY TOOLS AND EQUIPMENT

a) All licensees shall, during the performance of a home inspection, be equipped with the following minimum tools and equipment:

- 1) A ladder, minimum 11 feet in length;
- 2) A flashlight or other equivalent light source;
- 3) A flame inspection mirror;
- 4) An electrical outlet tester with Ground Fault Circuit Interrupter (GFCI) test ability;
- 5) Tools necessary to remove common fasteners on covers or panels which are required to be removed pursuant to this subchapter.
- 6) A measuring tape;
- 7) A probe;
- 8) Thermometers for testing air conditioning;

- 9) Binoculars or equivalent magnification device;
- 10) A moisture meter;
- 11) Combustible gas leak detection equipment; and
- 12) A voltage detector.

b) This section is not intended to establish an exclusive list of tools and equipment to be used during the performance of a home inspection. Licensees may utilize any other tools or equipment that in his or her professional judgment, he or she believes is necessary to adequately perform a home inspection.

13:40-15.18 ADVERTISING; IDENTIFICATION OF LICENSEE

a) The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

"Advertisement" or "advertising" means an attempt, either directly or indirectly, by publication, dissemination, solicitation, endorsement or circulation in print or electronic media to induce a person to enter into an agreement to accept home inspection services.

"Electronic media" includes, but is not limited to, radio, television, telephone, facsimile machine, computer, and the Internet.

"Print media" means newspapers, magazines, periodicals, professional journals, telephone directories, circulars, handbills, fliers or other publications, the content of which is disseminated by means of the printed word.

b) All radio and television advertising by a licensee shall include the name and license number of the licensee.

c) All advertising by a licensee, other than the advertising referred to in (b) above, shall include:

- 1) The name of the licensee;
- 2) The words "Home Inspector License Number" or "Home Inspector Lic. #," followed by the license number of the licensee, which may be either the entire "GI" number (for example, 24GI000xxx00 or 24GI00XXXX00) or "GI" followed by the licensee's three- or four-digit license number (for example, GIxxx or GIxxxx); and
- 3) The business address of the licensee, including the street name and number. Post office box numbers shall not be used as a form of business address.

d) All advertising records shall be retained for a period of one year from the date of the advertisement.

e) A licensee whose name, business address, or license number appears or is mentioned in any advertisement shall be presumed to have caused, permitted or approved the advertising and shall be personally responsible for its content.

f) All commercial vehicles used by a licensee shall be marked on both sides with the following information:

- 1) The name of the licensee in lettering at least one inch in height;
- 2) The words "Home Inspector License Number" or "Home Inspector Lic. #," followed by the license number of the licensee, which may be either the entire "GI" number (for example, 24GI000xxx00 or 24GI00XXXX00) or "GI" followed by the licensee's three- or four-digit license number (for example, GIxxx or GIxxxx) in lettering at least one inch in height; and

3) The name of the owner or the lessee of the vehicle and the municipality from which the licensee practices or where the licensee has a principal office in lettering at least three inches in height.

i) Where available space for lettering is limited, either by design of the vehicle or by the presence of other legally specified identification markings, making strict compliance with (f)3 above impractical, the size of the lettering shall be as close to three inches high as is possible within the limited space, provided the information required is clearly visible and readily identifiable.

g) All business correspondence and stationery, such as letterhead, business cards, pre-inspection agreements and home inspection reports, of a licensee shall display:

1) The name of the licensee;

2) The words "Home Inspector License Number" or "Home Inspector Lic. #," followed by the license number of the licensee, which may be either the entire "GI" number (for example, 24GI000xxx00 or 24GI00XXXX00) or "GI" followed by the licensee's three- or four-digit license number (for example, GIxxx or GIxxxx); and

3) The business address of the licensee, including the street name and number, of the home inspector. Post office box numbers shall not be used as a form of business address.

13:40-15.19 PROHIBITED PRACTICES

a) It is a prohibited practice for a licensee to do any of the following:

1) Perform or offer to perform, for an additional fee, any repairs, renovations, additions or alterations to a structure on which the licensee or the licensee's company, has prepared a home inspection report;

2) Inspect for a fee any property in which the licensee, or the licensee's company, has any financial interest or any interest in the transfer of the property;

3) Offer or deliver any compensation, inducement, or reward to the owner of the inspected property, the broker, the agent or the client's representative, for the referral of any business to the licensee or the licensee's company;

4) Offer or deliver any compensation, inducement, or reward to the client, the broker, the agent or the client's representative or homeowner, on behalf of a person or business entity;

5) Accept an engagement to perform an inspection or prepare a home inspection report in which the employment itself or the fee payable for the inspection is contingent upon the conclusions of the report, preestablished findings, or the close of title;

6) Provide a copy of the home inspection report or disclose any information concerning the results of the inspection, including confidential client contact information, without the written approval of the client or the client's representative except when the licensee discovers a health or safety condition that would not be readily detectable by the occupant or homeowner and which poses an imminent risk of injury;

7) Accept compensation, financial or otherwise, from more than one interested party for the same home inspection;

8) Accept or offer commissions or allowances, directly or indirectly, from other parties dealing with the client in connection with work for which the licensee is responsible;

9) Accept commissions from any other trade or profession for information concerning the condition of the property which is the subject of the home inspection; 10) Fail to promptly disclose to the client information about any business interest of the licensee which may affect the client in connection with the home inspection;

- 11) Allow an interest the licensee may have in any business to affect the quality of a home inspection;
- 12) Use a home inspection as a means to obtain work in another field which is not an additional inspection service as defined by N.J.A.C. 13:40-15.2;
- 13) Engage in the use of advertising which contains any statement, claim or format which is false, fraudulent, misleading or deceptive;
- 14) Engage in advertising which promotes a professional service which is beyond the licensee's ability or authority to perform;
- 15) Perform or represent that a licensee can perform a professional service which is beyond the licensee's ability or authority to perform;
- 16) Perform, or offer to perform engineering or architectural services unless appropriately qualified pursuant to N.J.S.A. 45:3-1 et seq., N.J.S.A. 45:8-27 et seq., and other applicable laws and rules;
- 17) Fail to inspect the systems and components required by the standards of practice as set forth in N.J.A.C. 13:40-15.16 without a documented reason from the licensee explaining the exclusion of a system and/or component from an inspection;
- 18) Employ any person as a home inspector who is not licensed as a home inspector; 19) Practice as a home inspector without a license, with a suspended license or during inactive status;
- 20) Perform any act or omission involving dishonesty, fraud, or misrepresentation with the intent to benefit a licensee or other person or with the intent to substantially injure another person;
- 21) Perform any act or omission involving dishonesty, fraud, or misrepresentation in the performance of a home inspection or preparation of a home inspection report;
- 22) Pay finder's fee or referral fee to any person in connection with a home inspection; or
- 23) Fail or refuse, without good cause, to exercise diligence in preparing a home inspection report, delivering a report to the client, or responding to an inquiry from the client.

b) Engaging in any of the prohibited practices delineated in (a) above shall be considered professional or occupational misconduct within the meaning of N.J.S.A. 45:1-21(e) and may subject the licensee to the disciplinary provisions of N.J.A.C. 13:40-15.20.

13:40-15.20 REQUIREMENTS FOR LICENSURE AS A HOME INSPECTOR BY COMITY

a) Upon receipt of a completed application and application fee, the Committee shall issue a license to any person who documents that the person holds a valid, current corresponding license in good standing by another state; if:

- 1) The Committee determines the state that issued the license has, or had at the time of issuance, education, training, and examination requirements for licensure substantially equivalent to the then-current Committee standards;
 - i) "Substantially equivalent" examination need not be identical to the current examination requirements for home inspectors licensed in New Jersey, but such examination shall be nationally recognized and of comparable scope and rigor to the National Home Inspector Examination, administered by the Examination Board of Professional Home Inspectors (EBPHI), as required for initial licensure pursuant to N.J.A.C. 13:40-15.6 (a)7.
 - ii) An applicant's experience may be considered by the Committee to compensate for disparity in substantial equivalence in education and examination requirements;
- 2) The applicant practiced as a home inspector or the equivalent in another state within five years prior to the date of the application; and

3) The requirements of (b) below have been satisfied.

b) Prior to issuing a license, the Committee shall have received, or obtained, the following:

1) Documentation, reasonably satisfactory to the Committee, demonstrating the applicant's license from each state in which the applicant is licensed is in good standing.

i) "Good standing" means the following:

(1) No action has been taken against the applicant's license by any licensing board;

(2) No action adversely affecting the applicant's privileges to practice as a home inspector has been taken by any out-of-State institution, organization, or employer;

(3) No disciplinary proceeding is pending that could affect the applicant's privileges to practice home inspection;

(4) All fines levied by any out-of-State board have been paid; and

(5) There is no pending or final action by any criminal authority for violation of law, rule or regulation, or any arrest or conviction for any criminal or quasi-criminal offense under the laws of the United States, this State, or any other state, including, but not limited to: criminal homicide; aggravated assault; sexual assault, criminal sexual contact, or lewdness; or an offense involving any controlled dangerous substance or controlled dangerous substance analog; and

2) Designation of an agent in New Jersey for service of process if the applicant does not reside nor have an office in this State.

c) If the education and examination requirements in the state in which the applicant is licensed are not substantially equivalent to the Committee's current standards as required in (a) above, the Committee will consider an applicant's individual experience to compensate for such disparity. In making a determination whether an applicant's experience would compensate for such disparity in substantial equivalence in education or examination, the Committee shall consider the following:

- 1) Length of experience;
- 2) Whether the experience was supervised by another individual;
- 3) The applicant's home inspection history;
- 4) The applicant's employment history; and
- 5) The applicant's education.

d) An applicant shall satisfy, or shall have satisfied, all applicable prerequisites required for initial licensure in this State.

e) Not later than six months after the issuance of a license, an applicant shall provide the Committee with evidence, reasonably satisfactory to the Committee, verifying an applicant's education, training and examination results.

f) The Committee, after the licensee has been given notice and an opportunity to be heard, may revoke any license based on a license issued by another state obtained through fraud, deception, or misrepresentation.

g) The Committee may grant a license to an applicant seeking reciprocity who holds a license from another state who does not meet the good standing requirement of (h) below due to a pending action by a licensing board; a pending action by an out-of-State institution, organizer, or employer affecting the applicant's privileges to practice; a pending disciplinary proceeding; or a pending criminal charge or arrest for a crime, provided the alleged conduct of the applicant that is subject of the action, proceeding, charge or arrest, assuming it is true, does not demonstrate a serious inability to practice home inspection; adversely affect public health, safety, and welfare; or result in economic or physical harm to a person or create a significant threat of such harm.

13:40-15.21 ADDITIONAL INSPECTION SERVICES

a) A licensee may perform inspection services in addition to those set forth in N.J.A.C. 13:40-15.16 if the licensee has the requisite experience, education, training, and/or required license or certification. Such additional services include, but are not limited to, the following:

- (1) Determining the presence of wood-destroying insects;
- (2) Determining the presence of rodents, pests, and/or insects (other than wooddestroying insects);
- (3) Determining the presence of asbestos;
- (4) Determining the presence of lead paint;
- (5) Determining the presence of radon;
- (6) Determining the presence of hazardous waste;
- (7) Inspecting wells, well pumps, water-storage related equipment, or sampling well water;
- (8) Inspecting private waste water disposal systems including on-site individual waste disposal systems, septic systems, and/or cesspools;
- (9) Inspecting installed or free-standing warning devices, including carbon monoxide detectors, flue gas, and other spillage detectors; and
- (10) Inspecting fire alarm systems, smoke detection systems, burglar alarms, and security equipment.

13:40-15.22 FEE SCHEDULE

a) The Committee shall charge the following fees:

- 1) Application fee:
 - i) Home inspector..... \$125.00
- 2) Initial license fee:
 - i) Home inspector..... 500.00
 - ii) Issued during the second year of a biennial renewal period 250.00
- 3) Renewal license fee
 - i) Home inspector..... 500.00
 - ii) Inactive status..... (to be established by rule by the Director)
- 4) Late renewal fee 50.00
- 5) Reinstatement fee..... 125.00
- 6) Duplicate certificate fee 20.00
- 7) Duplicate placard fee 20.00
- 8) Duplicate identification card fee 20.00
- 9) Continuing education program sponsor review fee 100.00