

NOTICE OF PUBLIC RULE HEARING

The New Mexico Home Inspectors Board (“Board”) will hold a rule hearing on Monday, September 14, 2020 at 9:00 a.m. Due to the COVID-19 pandemic and state of emergency the rule hearing will be held online and telephonically via Cisco Webex Meetings in Albuquerque, New Mexico. An NMHIB staff member will be present between 8:00a.m – 9:00a.m. on the day of the rule hearing at the Regulation and Licensing Department, 5500 San Antonio Dr. NE, Albuquerque, NM 87109, to accept public comment in written form. The NMHIB staff member will then present the public comment during the rules hearing.

To join the meeting online by Cisco Webex Meeting, please use the following link:

<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=e0cba2d0b176ccd98eec84f0e7678985e>

To join the meeting by phone 1-415-655-0002 United States Toll

Meeting number (access code): 146 134 4530

Suggestions for Successful Webex Meeting Attendance are available on the Board’s website.
<http://www.rld.state.nm.us/boards/home-inspectors-members-and-meetings.aspx>

The purpose of the rule hearing is to consider proposed amendments to the following rules:

- 16.66 Part 1 NMAC – General Provisions;
- 16.66 Part 2 NMAC – Fees;
- 16.66 Part 3 NMAC – Applications and Licenses;
- 16.66 Part 4 NMAC – License Renewals and Reactivations;
- 16.66 Part 5 NMAC – Continuing Education;
- 16.66 Part 6 NMAC – Code of Ethics;
- 16.66 Part 7 NMAC – Standards of Practice;
- 16.66 Part 8 NMAC – Disciplinary Proceedings;
- 16.66 Part 9 NMAC – Insurance

To obtain and review copies of the proposed changes you may go to the Board’s website at:
<http://www.rld.state.nm.us/boards/home-inspectors-members-and-meetings.aspx> or contact the New Mexico Home Inspectors Board by email at Home.Inspectors@state.nm.us.

The Board is currently accepting public comments on the proposed amendments. Please submit written comments on the proposed changes to Jeanette Contreras, Board Administrator, via electronic mail at Home.Inspectors@state.nm.us or by regular mail at 5500 San Antonio Dr. NE Suite A., Albuquerque, NM 87109, no later than Friday, September 11, 2020. Persons will also be given the opportunity to drop off their comments prior to the rule hearing. An NMHIB staff member will be present between 8:00a.m – 9:00a.m. on the day of the rule hearing at the Regulation and Licensing Department, 5500 San Antonio Dr. NE, Albuquerque, NM 87109, to accept public comment in written form. The NMPAB staff will then present the public comment during the rules hearing.

All written comments will be posted to the Board’s website at: <http://www.rld.state.nm.us/boards/home-inspectors-members-and-meetings.aspx> no more than three business days following receipt to allow for public viewing.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact Jeanette Contreras, Board Administrator, by email at Jeanette.Contreras@state.nm.us

Statutory Authority: The Home Inspector Licensing Act, NMSA 1978, Sections 61-24D-1 to -16 (2019), among other provisions, specifically authorizes the Board to “adopt procedures necessary to administer and enforce the provisions of the Home Inspector Licensing Act.” Section 61-24D-3(G)(1). Section 61-24D-3(G) also notably authorizes the Board to adopt “a code of ethics and standards of practice,” create standards for “training, experience, and continuing education,” set fees, and approve a licensing examination.

Summary and Purpose of Proposed Rules: In compliance with Section 14-4-5.2 NMSA 1978, this notice includes the following summary of the proposed rule and, a short explanation of the purpose of the rule.

16.66 Part 1 NMAC – General Provisions; This rule sets forth critical definitions applicable to all of the proposed rules, general procedural requirements for the Board and Board’s staff, and a rule implementation period designed to fairly and effectively require licensure in New Mexico. The purpose of the proposed rule is to ensure that the Home Inspectors Board operates effectively, efficiently and fairly to achieve its statutory mission.

16.66 Part 2 NMAC – Fees; This rule sets the applicable fees to be charged for the Board, including but not limited to licensure fees and application fees. The purpose of the proposed rule is to ensure the board is funded to meet necessary expenses incurred in the enforcement of the provisions of the Home Inspector Licensing Act, in carrying out the duties imposed by the Home Inspector Licensing Act and for the promotion of education and standards for home inspectors in the State.

16.66 Part 3 NMAC – Applications and Licenses; This rule proposes to create application requirements, examinations, and procedures. Speaking broadly, the rule creates separate pathways for Licensure by Examination, Licensure by Experience and Examination, Licensure by Credentials, and Expedited Licensure for Military Service Members, Spouses, Children, and Recent Veterans. The rule also provides for a temporary and staggered initial license period of one, two, or three years determined at random. The purpose of the rule is to ensure that all licensees are qualified and properly trained as required by the Home Inspector Licensing Act, as well as to ensure the evenhanded and impartial evaluation of all applications for licensure.

16.66 Part 4 NMAC – License Renewals and Reactivations; This rule provides for licensure renewal, inactive status for current licensees, expired licenses, and reactivations of expired or inactive licenses. This includes specific procedures and substantive requirements. The purpose of the rule is to provide an orderly and transparent process for renewing licenses and providing for inactive and expired licenses.

16.66 Part 5 NMAC – Continuing Education; This rule sets forth requirements for continuing education, including content and hour requirements, procedures for approval of continuing education, and audits of licensees. The purpose of this rule is to ensure all licensees maintain professional competency and to ensure licensees are current with changes made in the profession.

16.66 Part 6 NMAC – Code of Ethics; This rule creates a code of ethics imposing ethical and professional duties upon all licensees. The purpose of the proposed rule is to ensure that licensees are conducting inspections in a fair, impartial and professional manner to avoid conflicts of interest.

16.66 Part 7 NMAC – Standards of Practice; This rule sets standards of practice to govern the practice of home inspection in New Mexico. It outlines minimum inspection requirements, prohibitions, and limitations. The purpose of the proposed rule is to serve as a general professional guideline for licensed Home Inspectors in New Mexico. This rule will ensure understanding and consistency within the home inspector profession.

16.66 Part 8 NMAC – Disciplinary Proceedings; This rule establishes general rules of practice and procedures for disciplinary proceedings conducted by the Board, unless a more specific statute or regulation applies to the substantive disciplinary proceeding type at issue. The rules also outlines the substantive grounds for disciplinary action by the Board. The purpose of the rule is to ensure that complaints against licensees are evaluated and adjudicated in a fair and impartial manner that complies with due process while ensuring the public’s continued confidence in the profession.

16.66 Part 9 NMAC – Insurance; This rule ensures that all licensees and their employees are covered by insurance in all activities contemplated pursuant to the provisions of the Home Inspector Licensing Act. The rule sets

minimum requirements for insurance coverage and additionally authorizes the Board to solicit sealed, competitive proposals to provide a group insurance policy. The purpose of the rule is to ensure that all licensees maintain adequate insurance coverage so as to protect both themselves and the public.

Technical Information: No technical information served as a basis for the proposed rules.