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Client Bulletin



Volume XXXVI, No. 2

February 28, 2018

OHIO TO LICENSE AND REGULATE HOME INSPECTORS

On March 4, 2019, Ohio Revised Code Chapter 4764 became part of Ohio law. The new law establishes a seven member Ohio Home Inspector Board (the "Board"), whose members are to be appointed not later than 90 days after the March 4, 2019 effective date of Ohio Revised Code Chapter 4764. The Governor is to appoint five members who are to be "licensed home inspectors" (interestingly, the statute does not address how the Governor can appoint to the initial Home Inspector Board "licensed home inspectors" when Ohio heretofore has not licensed home inspectors). The President of the Senate and the Speaker of the House are to each appoint a member who is to represent the public and have no financial interest in the home inspection industry. No more than four members of the Board can be members of the same political party. The Board is part of the Department of Commerce for administrative purposes and it is provided that the Director of Commerce can serve as the *ex officio* executive officer of the Board or the Director may designate the Superintendent of Real Estate and Professional Licensing (the "Superintendent") to act as the executive officer of the Board.

R.C. § 7464.05 requires the Board to adopt rules in accordance with R.C. Chapter 119 to, among other things, establish standards to govern the issuance, renewal, suspension and revocation of licenses, approve a curriculum of education someone must successfully complete to obtain a license, specify methods and procedures to use to approve curriculum and experience to meet the experience requirement specified in the statute, establish a curriculum for continuing education for licensed home inspectors, establish requirements an educational institution or organization must meet to obtain approval to provide courses to enable a licensed home inspector to satisfy the continuing education requirements, establish procedures and standards for approval of courses and programs, establish requirements for conducting home inspection standards of practice for home inspectors in conflict of interest prohibitions, establish a set of standards of practice and canons of ethics, establish directions for the Superintendent to follow regarding the scheduling, instruction and offering of home inspection courses which must be completed to obtain a home inspector license, and establish fees.

Although the statute imposes on the Board the requirement of adopting the aforementioned rules, the statute requires that the Superintendent is to provide meeting facilities for the Board and to generally administer the rules adopted by the Board. It is the Superintendent that will issue, in accordance with the statutory criteria and the rules established by the Board, home inspector licenses. The General Assembly has provided in the statute for the Superintendent to utilize "grandfathering criteria," which closely match current practices and standards in the Ohio home inspection industry, to provide home inspector licenses to those currently engaged in providing home inspection services. On a going forward basis, the statute requires for licensure 80 hours of pre-licensure education including classroom instruction, online instruction or in-the-field experience. The home inspector license will be a three-year license with a requirement, for renewal of the license, of 14 hours of continuing education each year.

Additionally, among other things, R.C. Chapter 4764 requires licensed home inspectors to maintain or be covered by liability insurance with coverage limits of not less than \$100,000/\$300,000, requires that licensed home inspectors retain for a period of five years copies of contracts, home inspection reports and all work file documentation and data used in preparing the reports, and establishes a Home Inspector Recovery Fund. A consumer who obtains a final judgment against an Ohio licensed home inspector, and cannot recover the judgment amount from the licensed home inspector or the company employing the licensed home inspector, may seek payment of up to \$40,000 from the Home Inspector Recovery Fund. The Fund is to come from an annual "special assessment," initially \$5 per year but decreasing to \$3 per year for each licensee when the Fund reaches a \$500,000 level. There is no "special assessment" as long as the Fund has \$1,000,000 or more.

In a future Client Bulletin we will give more information regarding the new Board, the other, additional statutory provisions regarding Ohio licensed home inspectors, and additions made to Ohio Revised Code Chapter 4735 regarding licensed real estate agents giving names of licensed home inspectors.

IT'S CASINO NIGHT!

The Alpha Group of Delaware will once again be hosting Casino Night. Come out and enjoy an evening of casino games, specialty foods, cash bar, silent auction items and much more. This year's event will be held on March 15 from 7 p.m. to 11 p.m. at the Nationwide Hotel & Conference Center. For information and tickets, please visit alphagroup.net or call 740-368-5810. Let's get together and raise money for a great organization and have fun doing so!

FIGHTING FOR FREEDOM

On Thursday, March 21 at 7 p.m., the Delaware County Historical Society will present Fighting for Freedom, the US Colored Troops in the Civil War by Anthony Gibbs, Local History Department Manager, Ohio History Connection and traveling artist. The program will be presented at the William Street United Methodist Church located at 28 West William Street in Delaware. Registration for the program is mandatory—reserve seats at EventBrite.

SOURCEPOINT'S 5TH ANNUAL BOXED LUNCH FUNDRAISER

Did you know that SourcePoint provides a daily average of 900 to 1,000 meals served in their dining center and delivered to homes? Donations made to SourcePoint's Meals on Wheels program provides local seniors healthy, delicious meals delivered by volunteers. These caring volunteers donate their time and energy and are added security to family members who cannot always be available to check on a loved one. An \$11 purchase buys a boxed lunch from Jason's Deli and directly contributes to SourcePoint's Meals on Wheels Program. Orders must be placed by March 22, 2019 and will be delivered April 3 and 4. For details on the boxed lunch fundraiser, please visit www.mysourcepoint.org/lunch or call 740-363-6677.

If you or someone you know is interested in being a SourcePoint volunteer, there are numerous programs in need of caring people with a passion for helping others. Please visit www.mysourcepoint.org/volunteer or contact Jill Smith, volunteer recruiter, at 740-203-2368.

40 YEARS OF CENTRAL OHIO SYMPHONY

What started as a volunteer community group, the Central Ohio Symphony has grown to a professional ensemble. While they still call Ohio Wesleyan's Gray Chapel home, they have traveled all over Ohio. Their accomplishments are many and the Symphony has been awarded numerous grants, including a National Endowment for the Arts grant. The Symphony's therapeutic-drumming program in the Delaware County Juvenile Treatment Court has not only garnered praise, but has received a grant as well. The Central Ohio Symphony will be performing Giuseppe Verdi's Requiem on March 31 at 3 p.m. at the Gray Chapel located on the campus of Ohio Wesleyan University. For tickets and information, please visit www.centralohiosymphony.org or call 740-362-1799. Congratulations to the Symphony on 40 years!

QUALITY OF LIFE AWARD PRESENTED TO THE HISTORIC STRAND THEATRE

The Delaware Area Chamber of Commerce held its annual Business Awards Dinner on February 4. The Quality of Life Award is an award specifically created for non-profit organizations in Delaware. The criteria for the Delaware-based award is simple—the organization is recognized for having made a significant impact on the Delaware community. This year's award went to The Strand Theatre for its work with the Autism community. In the spring of 2018, the Strand started its nationally-recognized Sensory Series. This program holds sensory friendly movies for children with Autism and developmental disabilities so that these children and their families get to enjoy the movie theater experience. The movies are shown on the third Saturday of each month, with features such as lower volume, lights turned on, and weighted lap pads (just to name a few). For more information please visit www.thestrandtheatre.net and click on Events.

This bulletin provides general information and is not legal advice. Please contact us if you need legal advice.

If you have friends or associates who you think would enjoy receiving a copy of this Client Bulletin, please feel free to forward it on. Thank you.

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