

Statement Regarding Status of Home Inspector Licensing in New Mexico

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By Jeff Gorum, CMI, Chairman of the New Mexico Home Inspector Licensing Board

Over the past few months, the New Mexico Home Inspectors Board has received a large number of questions from home inspectors, realtors, and other members of the public as to the status of home inspector licensing in New Mexico. Although the Home Inspector Licensing Act, NMSA 1978, Sections 61-24D-1 to -16 (2019), took effect on January 1, 2020, and the Board was created on that date, confusion appears to exist around the State as to the legal status of currently-practicing home inspectors. This statement intends to add clarity to this issue, although neither I nor the Board can provide legal advice to the public.

Pursuant to the express terms of the Home Inspector Licensing Act, there are a few requirements in place today, prior to the Board's adoption of its first administrative rules, governing the practice of home inspection. Perhaps most importantly, this includes the requirement that all home inspectors "enter into a pre-inspection agreement with a client prior to commencement of a home inspection." Section 61-24D-4(A). This agreement must include exact language set forth by the Home Inspector Licensing Act addressing the difference between the home inspection and an inspection intended to ascertain whether the home conforms to state and local building code requirements. The statute, in Section 61-24D-4(C), also requires a similar statement – including certain exact language – to appear in the final home inspection report. In addition, Section 61-24D-4(B) of the Home Inspector Licensing Act also sets forth the deadline for a home inspector to provide a client a home inspection report: the date set forth in the pre-inspection agreement or, if not specified in the pre-inspection agreement, no later than five (5) days after the home inspection. Lastly, before the Board begins issuing licenses later this year, Section 61-24D-5 likely prevents home inspectors from using, as part of their business, terms such as "state licensed," "licensed," "licensed home inspector," "or any other title, abbreviation, letters, figures or signs that indicate the person is a licensed home inspector." Section 61-24D-5(A).

The Board takes very seriously its responsibilities to establish rules and regulations and begin issuing licenses to home inspectors. We are currently making every effort to draft and propose rules and regulations as quickly as possible while still allowing for appropriate industry and public input regarding the regulations. My hope is that the Board will adopt its first rules in approximately August 2020 and begin issuing licenses this fall. In the meantime, the Home Inspector Licensing Board has a website which will contain the most recent available information about Home Inspector licensing as it becomes available. The website is <https://www.rld.state.nm.us/boards/home-inspectors-overview.aspx>.