

**Myths and Facts about Proposed Interior Design Legislation and
How it Potentially Impacts ASPM® & ASP® Home Stagers
Prepared by: The International Association of Home Staging Professionals®**

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The American Society of Interior Designers (ASID) has put forth legislation to restrict the use of the words “interior designer” to only those that belong to ASID and are licensed as a professional. In order to be a member of ASID, an individual must first be educated by an approved institution, pass state and national tests, be approved by a state commission, and join ASID. The education process takes years, tests are stringent, costs are high, and membership in ASID is also hefty. There are many groups that are protesting even the consideration of such legislation by state governments, and to date there are only a handful of states that have passed any restrictions on the interior design industry, with most states ruling that restrictions are unlawful. Groups such as the National Assn. of Remodeling Industry (NARI), and National Kitchen & Bath Association (NKBA) are opposed to this legislation because of how it could impact their particular industries. Grassroots groups headed by those in the interior design, remodeling and decorating industries have sprung up in response to the legislation.

Some groups and Home Staging associations are suggesting that we need to get into the midst of this battle, and the reality is **that is not true**. At this juncture, it is actually a DETRIMENT for any Home Staging association to engage in this debate. **When and if Home Staging comes under scrutiny by outside agencies or entities, IAHSPP® would be leading the way to ensure the protection of our businesses as Accredited Staging Professionals®. The International Association of Home Staging Professionals®, IAHSPP®, is the only professional Association that already has standards in place, and so would be looked upon by outside groups as having the most integrity and ability to effect change.**

ASID Definition of an Interior Designer:

An interior designer identifies, researches and creatively solves problems pertaining to the function, safety and quality of the interior environment. An interior designer is responsible for performing services relative to interior spaces, including programming, design analysis, space planning and aesthetics, using specialized knowledge of interior construction, building codes, equipment, materials and furnishings. Interior designers are formally trained to prepare drawings and documents relative to the design of interior spaces in order to enhance and protect the health, safety and welfare of the public.

Why Register or License a Profession?

The 10th Amendment to the U.S. Constitution gives states the powers not delegated to the federal government. Under this framework, states regulate professions that impact the health, safety and welfare of the public.

How does this proposed legislation apply to ASP Home Stagers?

***MYTH:** Legislation enacted on behalf of ASID will hurt ASP Home Stagers and the Home Staging industry.*

FACT: We are not part of the interior design industry. **We are part of the Real Estate industry.** Since we are not using the words “interior designer” to describe what we do, and do not traditionally engage in work as defined above, we are not targets of this legislation. This legislation has nothing to do with Home Staging services and professionals in this field.

ASID States: "ASID will not support legislation that restricts interior design services that do not affect building codes or other statutes."

In other words, their target is work being done that impacts building codes – whether residential or commercial. If your work as an ASP Home Stager is not related to anything needing codes, you are not a target.

***MYTH:** If the legislation passes, we could be breaking the law if we tell people where to place a throw pillow.*

FACT: Although this was part of an article in the Wall Street Journal and a blog topic, the fact is no law passed that restricts giving advice on decorating a house. If applied to the extreme, people rationalized that it could make decorating and giving advice on what to do in a house “unlawful” but that is untrue.

***MYTH:** The legislation will cause Home Stagers to go out of business.*

FACT: The ASID dispute focuses on those individuals involved in design of kitchens, bathrooms, main rooms, etc. – and the proper use of materials involved in those projects. Their concern is that an unlicensed person could be putting the homeowner or commercial client and/or public at risk for danger. Although in some states, there have been interior designers that have been forced to shut their business down because they were not ASID approved and in violation of that state’s laws, it does not apply to us as we are not regulated by ASID and not part of this dispute.

***MYTH:** Because we address the arrangement of furniture and “spaces” in homes, we could be targeted in this legislation.*

FACT: The “space planning” aspect of the interior design industry definition relates to commercial planning and safety. It does not specify or mandate regulation of rearranging furnishings in a house or installing furniture in a vacant house. Because the structure (house) has already been approved and would have to be up to code as it was constructed, we are not doing anything that would place that house, homeowner or public “at risk.”

MYTH: *We cannot call ourselves designers in our literature.*

FACT: *ASID States: ASID will not support title acts that restrict the use of the title "interior designer." We will support title acts that recognize state-qualified "certified," "registered" or "licensed" interior designers."*

In other words, ASID is not targeting those that just call themselves “Interior Designers” but DOES target those that use the words “Licensed, Certified, and Registered.” They are being specific on who is at risk of violating any laws or regulations. Ideally they would like all Interior Designers to be Licensed, and not just Certified or Registered. This is akin to our Accreditation – which is higher than solely a Certification or Designation.

THE BOTTOM LINE

ASP Home Stagers who Stage® for a living and are not doing design work should not be in fear of any legislation that would regulate what we do for our real estate clients or the public. The people that could be impacted by such legislation are Home Stagers that ARE crossing over into decorating or design work, whether residential or commercial where that work could impact the health, safety and welfare of the public. Our IAHSPP Association serves the Home Staging industry, and yet we know some of our members may also engage in other parallel services including interior design. For those that Stage® only and are not licensed, certified or registered as Designers they are not to be concerned regarding this issue.

ASP STAGING IS PART OF THE REAL ESTATE INDUSTRY Not the Design Industry:

IAHSPP has standards of excellence, ethical standards, education requirements for membership, and set the Stage® for the entire Home Staging Industry to follow. Other Home Staging associations have no benchmark of commonality or training, and therefore have many interior designers that have crossed over to Staging without earning a professional Home Staging designation that are concerned. This is because their interior design business could be impacted by legislation. They often don't delineate between the two industries – real estate and interior design – because they have not been taught they are different and they have attempted to blend them. That is their mistake not the mistake of IAHSPP.

Fortunately for IAHSPP Members and ASPMs and ASPs, we ARE taught that Staging is a part of the Real Estate Industry specifically, not the design industry. We are taught that from the beginning of our ASP Training on Day 1 in our ASP Course developed by Barb Schwarz, The Creator of Home Staging®. We have NEVER tried to make Home Staging fit in the designer or decorator mold. We are a stand-alone industry that is here to serve Realtors® and sellers through the real estate industry.

This situation would be analogous to our putting forth standards on who could call themselves a “Home Stager.” Coming up with “standards” for Home Stagers has already been done so and are the first group that has done that with IAHSPP. Already we have standards that are above 95% of the Home Stagers in existence – with our education requirements, standards of excellence, and our code of ethics. As ASPs we are already leading the way to establishing the benchmark of what should be allowed for this industry. Each state in the future may determine the standards they would apply, using recommendations from national entities such as NAR and IAHSPP.

Our belief is that any formal standards would be done through the National Association of Realtors® (NAR), and not the decorating or design agencies. **Fortunately NAR already recognizes our ASP Designation as the premier training and education resource for Home Staging.** When and IF regulation of the Home Staging industry takes place, it will be ASPs and IAHSPP that set the standard, as we already have

standards in place with our foundation of training and education, ethics and standards of excellence.

ASP HELPFUL INFORMATION: Here are some tips to consider. If you are truly concerned about this issue, we suggest you seek your own legal advice.

- 1. Do not use the words “Interior Designer” to describe what you are or “Interior Design” as services you provide** *unless you ARE a licensed Interior Designer*. If you are not licensed, do not state that you are. **We are Accredited as Home Stagers – ASP’s** and what we do is to “Prepare houses for sale.” We are not there to design a house or promote ourselves in the personalization process that is inherent in design and decorating. Anything you put in writing that is false could have repercussions. Take time to go through your websites and literature and make any necessary adjustments.
- 2. Stay away from using the word “Designer” in your title** – although this is not under attack or being targeted by ASID, it is probably a good idea to remove all references to that terminology. It is the combination of the two words, “Interior Designer” and “Interior Design” that raise the red flag of dispute. **Use the words: “Accredited Staging Professional.”** Other words you can use are Home Staging Expert, Home Staging Consultant, Home Staging Specialist, Owner and Principal Stager, etc. Barb Schwarz, The Creator of Home Staging® has always shared that we must really define ourselves outside of the design and decorating industries. We have a clear defining line between our industries and if you turn around and call yourself a “Staging Designer” – it is confusing – and in conflict with what we really do. We highly recommend that you do not use those words as it is confusing.
- 3. Commercial projects are higher risk.** If you do any work in this category, be mindful of regulations for safety and fire codes. Picking colors for cubicles or walls is one thing, but “designing the layout” of the space is another and should be left to a licensed professional that understands the safety issues and risks involved in this type of work.
- 4. If you do “re-design” work, at this juncture that terminology is not under attack from ASID.** Use of those words appears to be acceptable, but to be safe, you can also use the words “Home Makeover” or “Staging to Live®” to describe this service, and get away from the “D” word altogether.
- 5. If you engage in any sort of remodeling work, be aware of the need for safety, codes, and other legal aspects involved.** As an ASP you we strongly recommend that you not engage in any work that is supposed to be done by a licensed contractor or other licensed expert unless you hold a contractor’s license.
- 6. Lastly, do not allow yourself to be sidetracked into this issue by other groups or associations that are trying to make it into an issue for Home Stagers.** The IAHSF Association knows better and is not misleading its membership or causing unnecessary fear in the membership based on an issue that is not about Home Staging at all.

ASID TERMINOLOGY: These definitions from ASID may help you better understand the issue. These definitions do not pertain to ASP Home Stagers or the Home Staging industry. As you can see there is not a consistent method for defining “interior designers” even within their own industry, and it is a state-by-state responsibility to regulate.

Title Acts

A title act regulates the use of a title, such as “registered interior designer” or “certified interior designer.” Title acts do not require individuals to become “*licensed*” to practice interior design. Title acts govern use of a title.

Practice Acts

Practice acts, in addition to regulating who may call themselves interior designers, require individuals practicing interior design to become *licensed*. In virtually all such laws, individuals practicing under the direct supervision of licensed designers are not required to be licensed. This particular provision allows people new to the profession to practice interior design under a qualified practitioner while accumulating the needed years of experience and professional skills to eventually become licensed. Some practice law states have exemptions for residential work, which means if you only practice residential design, you do not need a license.

“Self-Certification”

For the purposes of general classification, California's interior design law is a title act that regulates the use of the title “certified interior designer.” There is no state-run and state-accountable board that oversees the profession. In every other state with an interior design law (except Colorado) there is a state board, for example the Alabama State Board of Registration for Interior Design. Usually, members of the board are appointed by the Governor and/or the Speaker of the Senate. In California, the California Council for Interior Design Certification is an independent self-certifying agency. In the law it is specifically referred to as an “interior design organization.” The members are not appointed by the state and they are not accountable to the state.

Permitting Statute

Colorado's law is classified as a permitting statute. There is no board and there is no title that is regulated.

SUMMARY: In 1973, Puerto Rico was the first U.S. jurisdiction to pass a practice act. Nine years later, Alabama became the first state to pass an interior design title act. To date, 19 U.S. jurisdictions have title acts, six jurisdictions have practice acts, and one state has a permitting statute. The most recent states to join this growing list are Oklahoma, which passed a title act in 2006, Iowa which passed a title act in 2005, Kentucky and New Jersey, which both passed title laws in 2002, Colorado, which passed a permitting statute in 2001, and Alabama, which passed a practice law in 2001.

LINKS to Information ONLINE:

- <http://www.asid.org/legislation/issues/>
- [http://www.rdbmagazine.com/web/online/Industry-News/NARI--NKBA-oppose-interior-design-title/1\\$2185](http://www.rdbmagazine.com/web/online/Industry-News/NARI--NKBA-oppose-interior-design-title/1$2185)
- <http://www.livefreeanddesign.org/>
- <http://www.interiordesignfreedom.org/>
- <http://archive.constantcontact.com/fs060/1102107213116/archive/1102491316955.html>
- <http://www.remodeling.hw.net/interior-design/design-regulation-showdown.aspx>

- <http://www.asid.org/NR/rdonlyres/5D716B78-A6AC-4563-A4D9-B67B9041F6F5/0/DifferencesinLeg.pdf>

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