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Home inspection licensing law causing confusion

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FOR THE JOURNAL NEWS
(Original Publication: December 30, 2005)

A rush to implement a new state law that requires the licensing of home inspectors could derail the potential benefits of the legislation, some home inspectors complain.

The law, which goes into effect Jan. 1, obligates most home inspectors to obtain a license to practice. It makes it illegal for anyone other than state licensed architects, professional engineers and certified code enforcement officers to perform a home inspection without a valid license.

Until now, in almost every part of the state, anyone with the interest or desire could establish a home inspection business. That included people with little or no training in residential building codes or construction standards. Rockland County passed a Home Inspector Licensing Law in 1999, but no other counties followed suit.

More than half of all states nationwide already regulate home inspectors, including all of the states surrounding New York with the exception of Vermont.

The NYS legislature passed the licensing act in the 2004 legislative session and Gov. George Pataki signed it into law more than a year ago.

But it has drawn criticism from some industry experts like Frank Libero, past president of the New York State Association of Home Inspectors (NYSAHI) and a Rockland County based home inspector.

Libero said the law is weak and leaves qualifications for applicants open to interpretation. In addition, the NYS Department of State, which issues the licenses, made applications for prospective home inspectors available only last month.

As a result, home inspectors are hurrying to beat tomorrow's deadline. However, Libero said there has been confusion and uncertainty about the provisions of the law. Many home inspectors who hoped to obtain licenses on experience rather than classroom training have been unsuccessful, he said.

"The state is trying to implement the law in too short a time," he said. Libero owns United Inspection Consultants in Garnerville and is a past president of the NY Metro chapter of the American Society of Home Inspectors, a nonprofit professional society for home inspectors in North America.

The confusion raises questions about whether there will be enough inspectors for would-be home buyers wanting an inspection next month.

Most real estate agents and real estate attorneys recommend that home buyers get a professional inspection for their own protection. Mortgage lenders require an appraisal and usually a termite inspection but don't usually make a home inspection a requirement for the mortgage.

Gilbert Mercurio, executive director of the Westchester County Board of Realtors, said he has not heard about any problems with this issue from his membership. He also said, however, that the law itself has not been heavily publicized so many real estate agents may not be aware of the change going into effect.

"The market is extremely slow right now because of the holiday season," Mercurio said. "If the licensing law did cause the number of available

Choosing a home inspector

Select a home inspector the same way you choose any professional ... carefully.

A good home inspector can identify major defects, and may provide rough estimates of the cost of potential repairs. A home inspection typically includes an examination of heating and central air conditioning systems, interior plumbing, electrical systems, the roof, attic, visible insulation, walls, ceilings, floors, windows, foundations and basements. Inspections may also include appliances and outdoor plumbing.

However, a home inspector will not necessarily tell you everything you want to know, including whether a house meets current building codes or what problems may be hidden behind the walls of a finished basement.

If you want to hire a home inspector

- Look for an inspector with experience in residential inspection.
- Find out if the prospective inspector is licensed as an engineer, architect or home inspector.
- Ask if the inspector belongs to any professional or trade organizations.
- Avoid part-time home inspectors who also do home improvements or repairs.
- Ask how many inspections the person has performed, what an inspection covers and how long an average inspection lasts. A home inspector should spend at least two to three hours on a typical house.

home inspectors to decline, it wouldn't materialize until late January, when the market picks up."

Laurence Sombke, a spokesperson for the NYS Department of State, said the department hasn't had any problems working through the applications for certification. "There is no backlog," he said. "As far as we're concerned, there are no problems."

He dismissed criticism from those who won't be able to continue inspections without a license in January. "If anyone has difficulty meeting the standards it is only because it is what the law requires," he said.

Sombke also rejected arguments that some longtime building inspectors are being denied licenses because they don't have classroom training. The applicants' experience is being given as much consideration as the law allows, he said.

Nonetheless, Libero said, there is a perception the state values minimal education over years of experience. Anyone who obtains 140 hours of approved training can obtain a license, but an experienced person with hundreds of home inspections to his credit might not, Libero said.

Although there are grandfathering provisions in the law that recognizes the value of experience, Libero said the rules are strict. A prospective licensed home inspector must have evidence that he completed at least 100 inspections in the past two years or at least 250 in the past three years.

Libero said that eliminates people who may have worked as home inspectors for decades, but stopped or reduced the number of inspections performed in recent years.

Joseph Eberhardt of New Rochelle, for example, began inspecting houses more than 10 years ago. Two years ago, because he was caring for his aging parents, he closed his home inspection business to run a computer consulting business from his home.

Earlier this year, he started working as a home inspector again. However, he said the status of his application for a license is in doubt. "I have no clue what the state is going to do," he said. "From what I was told, experience isn't being given much weight."

Lawrence Garvey of Carmel blames the confusion on the fact that applications only recently became available. Inspectors didn't know what they needed to obtain a license until they obtained the applications, but had little or no time to correct potential deficiencies, he said.

Libero said homeowners should be aware of the licensing law, but cautioned they should also understand that a license is no guarantee of quality. Libero compared getting a license to inspect homes to getting a license to drive a car. Just having a license doesn't show you are an expert, just that you passed certain minimum standards. "It shouldn't give people a false sense of security," Libero said.
