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What to do when you get a bad home inspector



Jill Chodorov, an associate broker with Long & Foster, writes an occasional column about local market trends and housing issues.

This is a cautionary tale to home sellers. In a recent transaction in which I was representing the seller, the buyer's home inspector damaged the slate tile floor in the kitchen of my client's condo during a home inspection.

I was standing in the kitchen and witnessed the home inspector allow the heavy metal cover of the electrical panel to slam to the floor when removing it for inspection, rather than hold it as he unscrewed it from the panel.

The result: a deep gash in the slate tile in a luxury condo.

Long story short, the buyer said the broken tile was not a problem, but 24 hours later proceeded to back out of the deal.

The seller was left with a damaged floor.

The home inspector hung up when asked to compensate the seller for the damage.

It made me think: Who are these people who are hired to poke around in a seller's home under the pretense that they are experts at determining a home's condition? What qualifications do they have? What protection does a homeowner have in the case of malpractice?

What I learned was astonishing.

Neither Washington nor Virginia requires home inspectors to be licensed.

“Under current law, Virginia does not license home inspectors,” said Mary Broz Vaughan, director of communications for the Virginia Department of Professional and Occupational Regulation. “Today, any individual can legally perform a home inspection in Virginia.”

Fortunately, that will change in 2017.

According to Broz Vaughan, “legislation put forth by the Virginia Association of Realtors during the recently completed General Assembly session will transition the existing voluntary certification program for home inspectors to a mandatory licensing framework, effective July 1, 2017.”

The District currently has no plans to change legislation mandating licensing for home inspectors.

“In a state that has no regulations, anyone can hang a sign and say they are a home inspector,” said Frank Lesh, executive director of the American Society of Home Inspectors (ASHI).

Maryland is one of just a few states that require classroom home inspection training to become a state licensed home inspector.

In addition, Maryland regulations set forth a minimum and uniform standard of performance to be exercised by home inspectors and specifically lists the tasks to be performed during a home inspection.

For example, the regulation states that home inspectors must visually inspect the roof system, the structural system, electrical systems, plumbing systems, heating systems, air conditioning systems, ventilation, insulation, and the interior and exterior of the home.

Maryland also requires home inspectors to have general liability insurance in an amount not less than \$50,000.

“Licensing requirements are just minimum standards allowed by law,” Lesh said.

“If you get a D in school, you still pass,” Lesh added. “Using a licensed inspector doesn’t mean you are going to get a good job. It just means that someone squeaked by and passed the licensing test.”

So how do you ensure that a home inspector is experienced, qualified and professional?

“I recommend using an ASHI certified home inspector,” Lesh said. “We certify our members. As an ASHI member, you have to exceed the law and follow our strict standards of practice and code of ethics.”

What happens if a home inspector creates a problem?

“If he had fessed up and taken responsibility, it would have been fine,” Lesh said, referring to the situation that occurred with my client. “You can report the situation to us, you can call the state if it is regulated, or you can report him to the Better Business Bureau.”

There is another layer of difficulty regarding home inspections in a real estate transaction.

In most template real estate sales contracts, it states that the buyer can enlist the help of anyone to conduct a home inspection of the subject property.

The Addendum of Clauses — drafted by the Greater Capital Association of Realtors (GCAAR) and used with the GCAAR Sales Contract and the Maryland Association of Realtors (MAR) Residential Contract of Sale — states that the work can be conducted by “the buyer, a home inspection firm, and/or any other representative at the buyer’s discretion and expense.”

In other words, a buyer can grab a know-it-all friend or uncle to inspect the home, or the buyer can poke around the house himself.

“Experience is key, insurance is essential, understanding the inspection agreement is a must,” said Glen Blanc of Pro Spex Home Inspection Services, when asked what to keep in mind when hiring a home inspector.