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Western New York Alliance of Home Inspectors

www.wnyahi.org

Date: 02/17/2021

Re: "Walk Through or Walk & Talk Home Inspections"

All Interested Parties,

It has been brought to our attention that "Walk Through or Walk & Talk Home Inspections" have been taking place lately due to the current market situation. We are concerned that this practice is in violation of Article 12b – Professional Home Inspector Licensing Law. Although we are not directly accusing anyone of knowingly breaking this law; we do have concerns that our clients or the public in general may ultimately be harmed by this practice. There was an article on February 11, 2021 in the Wall Street Journal referencing individuals who were damaged as a result of this practice. As NYS licensed home inspectors we are concerned that the client may be placed in a disadvantage by having a substandard inspection. This practice appears to be in violation of NYS Home Inspector Licensing Law – Article 12b, Specifically; these "walk and talk" inspections are being performed in the following manner:

- Either no contract is executed, or a contract that does not contain the required language as defined in Article 12b - 197-4.2
- A written report is *not* provided, also as required by Article 12b - 197-4.6
- These inspections last approximately 30 minutes, therefore it is impossible for all of the required components and systems outlined in the Home Inspector License Law Code of Ethics and Regulations for Home Inspectors to be followed as required by Article 12b - Subpart 197-4
- If anyone recommends a "Walk Thru Inspection" are they knowingly in violation of any law?
- If this is not defined as a home inspection; then it may be defined as "Unlicensed Activities" as cited in Article 12b - 444-o and could be interpreted as a direct violation of the law.
- No written report is being provided by Home Inspectors for a "Walk Thru Inspection." A written report must be provided within 5 business days of an inspection per Article 12-b

We think this practice of "walk and talk" inspections compared to a proper, legal home inspection and keeping within the spirit of the law, can be easily summed up by quoting directly from Article 12b; Home Inspector Professional Licensing - Subpart 197 - 4.5 **Competance**. (a) "Except as provided in section 197-4.6 and 197-5.2 (c), home inspectors shall conduct home inspections in compliance with the Standards of Practice. Also Subpart 197-4.1, which states: Fundamental Rules. (a) Home inspectors shall exhibit honesty and integrity in furtherance of the honor of the home inspection profession. A home inspection has a **direct and vital** impact on the quality of life for all home buyers. In performing home inspection services, home inspectors shall adhere to the **highest principles of ethical conduct**. (b) This Code of Ethics and Regulations reflects the current ethical standards for home inspectors. It is the department's (NYS Department Of State) intention that this document be a living document and that changes and updates to this Code of Ethics and Regulations be made as deemed necessary by the department in consultation with the Home Inspection Council. (c) Home inspectors shall **fully adhere** to and comply with the provisions of Article 12-B of the Real Property Law and all regulations promulgated thereunder **including, but not limited to, this Code of Ethics and Regulations and the Standards of Practice**.

The law describes the importance of a proper home inspection and the "direct and vital" impact it has on the public. Words like "highest principles of ethical conduct" and "fully adhere" to the COE are not open to interpretation.

Some of the significant items that *will not* be discovered during a "walk and talk inspection are as follows

- Aluminum Solid Core Branch Circuit Wiring (Fire Hazard)
- ANY fire hazard inside *any* electric service panel
- Ungrounded receptacles
- Crawl space issues – and there are always issues in the crawl space
- Functional water flow and functional drainage
- Garage door safety reverse
- Properly functioning sump pump
- Properly functioning heating unit
- Properly functioning air conditioning system
- Condition of water heating equipment
- Ground Fault Circuit Interrupter operation (electric safety equipment)
- Arc Fault Circuit Interrupter operation (electric safety equipment)
- Smoke / Carbon Monoxide detector function
- Plumbing leaks
- Toilet / wax seal leak
- Window operation
- Attic ventilation / insulation
- Moisture in attic / crawl space
- Fireplace components / function

We would appreciate any cooperation you could provide regarding this current situation to ensure our clients are properly served to the high standards of both professions.

Please feel free to contact me if you would like to have further discussion.

Sincerely,

Stephen Krahel

Stephen Krahel
President
Western New York Alliance
Of Home Inspectors