



Dear Senator,

My name is Tim Nisly, and I own Nisly Inspections, LLC and T&M Construction, Inc. (40+ years combined). As a small business owner, regulations are something that can put a strain on businesses if not completely close them down and I am writing you today regarding **SB-176 – Licensure of Home Inspectors for the State of Kansas.**

It is my understanding that under **SB-176** the Realtors Association (RA) is trying to eliminate the home inspector's ability to contract with their clients like the realtors, builders, engineers or many other professions do and negotiate with their client what liability the home inspector will accept based upon what a consumer is willing to pay. The (RA) is trying to say that we Home Inspectors (HI) need to be held to higher standards/rules than the engineers or the architects. How is this **consumer protection?** What right does the Realtors Association have trying to regulate another industry, yet they do not push to have mandatory statewide codes for builders, remodelers, flippers (including realtors who flip houses without the proper credentials), or statewide licensing for tradesmen, like plumbers, electricians, HVAC techs, etc. The (RA) is also trying to say that an engineer doing a home inspection is not required to carry the same type of coverage as they want the home inspector to have. So, my question is, what puts them above the law? Where is the consistency?

I am a member of InterNACHI and as a small business owner my position on this matter is very simple. If the (HI) is causing a lot of claims/failing to meet the SOP (Standards of Practice, www.internachi.org), or if the profession is causing significant harm and damage to the general public, then maybe this issue should be further evaluated. *According to polling groups like the BBB, the Kansas AG's Office and other consumer activist groups, in the last 2 years there have been more complaints against contractors, real estate agents and even florists than home inspectors. It is also my understanding that 80-85% of home inspector complaints are frivolous. Many of these complaints didn't occur till months later or the unscrupulous seller covered or hid from sight (we can not evaluate what is visible) and the problem surfaced months after the buyers moved in.* At that point the realtor or the unhappy buyer want someone to pay for the problem and they don't care who as long as it is not them. So, the realtor (buyer's agent) goes to the deep pocketed Realtors Association to see if they can put regulations on the home inspection business thinking that will help them make a sale.

The latest report says there is a 46% housing shortage which means a drastic decline in home sales which then will affect the home inspection business. Many of us are struggling to make ends meet while some wealthy real estate agencies are using their deep pockets to fight against us and cause

greater hardships for us. The pandemic causes more issues. Adding additional regulations can and will cause some of us small business owners to close down.

I am 100% against **SB-176** and any special interest groups like Kansas Realtors or Others trying to introduce and control another profession/Small Business, especially when these special interest groups are trying to shift liability away from themselves. They think that making licensing mandatory for home inspectors (numerous surrounding states don't mandate licensing) makes better inspectors. That is **NOT** true. Doctors are required to be licensed, but some should not be practicing.

I'm sure you are aware of tough regulations and will have an understanding of what the home inspection business or any small business is up against. It's difficult to go against bureaucracy and deep pocketed politicians or agencies. This is why I'm reaching out to you. Hypocrisy **MUST** be destroyed. I feel that you have a great opportunity to instruct and inform those that you work with that we the people are who you are working for and we have a right to be heard.

I am asking: When regulations and laws are established, please allow logic, truth, consistency, and facts to be the determining factors and not large corporations, organizations, or associations with unlimited resources and/or biased agendas. Over-regulation takes the "free" out of freedom. Over-regulation creates a "dumified" society, because the law makers are not listening to the people they're representing.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Nisly". The signature is stylized and cursive.

Tim Nisly, 620-727-0220