

Dear Senators,

I'm writing to you today regarding SB-176 - Licensure of Home Inspectors for the State of Kansas.

As a current Home Inspector in the State of Kansas within the Kansas City Metro and the Past President of the Local ASHI Chapter 2013-2014 I wanted to let you know that I STRONGLY OPPOSE SB-176.

The reasons for this are as follows:

There's no need for it, the industry isn't clamoring for Licensing, there's only one group that is pushing for it and it is the Realtors association. I ask you this, WHY would one profession be pushing licensure upon another profession? It's so that the Realtors can have perceived control over the Home inspectors.

- This bill includes a \$2000 liability clause for each inspection performed which will create a huge wave of frivolous and many false claims by home sellers and real estate agents. Here are just a few real-life examples that have come up during my 15 years and over 10,000 inspections performed by my company:
 1. The seller will state the A/C unit worked fine until after the inspection – The home inspector must have damaged it and I want a new one. - No fault of the inspector.
 2. During the inspection the garage door was tested by pushing the door opener control and the top panel of the garage door jumps the track and fell out during operation. The garage door was tested by using normal controls and did not pass inspection, but the seller wants a new one. – No fault of the inspector.
 3. The crank out window falls to the ground when opened because the hardware is disconnected, and the window was just set-in place and locked shut. – The inspector was basically booby trapped and no way to know this until operated. Of course, the window did not pass inspection and the defect was noted, but according to the home seller and listing agent the inspector should pay for total replacement. - No fault of the inspector.
- The bill also allows Architects and engineers to perform home inspections without having to obtain a home inspection license or carry E&O insurance and allows them to not have to have a \$2000 liability per inspection performed. Being an engineer does not in any way qualify you to perform home inspections just as it does not qualify an engineer to build homes in the state of Kansas. To be a licensed home builder where licensing is required such as Kansas City, Topeka (etc.) an engineer must take the same test and abide to the same license laws as everyone else because it is in the publics best interest. The same should apply when it comes to home inspection if this bill were to pass.

- The state of Kansas has already had a Home Inspection Licensing Act before (2008-2013)... and it was rescinded in July of 2013, by then Gov. Brownback.... *"I see little evidence of large numbers of Kansas citizens being economically harmed by home inspectors. In fact, even proponents believe the vast majority of Kansans who provide this service are honest people. Therefore, the legislation passed in 2008 may simply add unnecessary fees and regulations to law abiding citizens."* ~We've already had licensing and it proved unnecessary, so why revisit it, and why continue to add unnecessary gov't oversight on an industry that regulates itself. If you are a bad inspector, Realtors talk, and you won't be in business long.
- KAREI – Kansas Association of Real Estate Inspectors does not represent me or hardly any other home inspector. The so called 245 members are actually about 40 active members. The remaining approximately 200 names on their list of membership happened when the KS Home Inspection Licensing Act before (2008-2013) was rescinded, all of the state licensed inspectors were absorbed by KARIE and the states \$68,000 (left over inspector dues when the previous Licensing Bill was terminated). The \$68,000 has not been spent on educating or training home inspectors but has been spent on pushing this bill very hard even though most home inspectors oppose the bill.
- As a small business owner, my position is simple. I'm not opposed to regulation if I saw an overwhelming and demonstrated need for it, OR if I saw that lack of regulation of my profession was causing significant harm or damage to the public. That however is NOT the case. Home Inspectors are not perfect, but polling groups like the BBB, the Kansas AG's office and other consumer activist groups over the past 2 years indicate that General Contractors, Real Estate agents(that's interesting) and even Florists had more complaints than home inspectors. The overwhelming majority of us already carry E&O(Errors & Omissions) insurance and General Liability insurance to cover a client and ourselves, should we make a mistake or miss something, and should that happen too often then we'd become uninsurable and out of business. The free market will balance itself.

In closing, I am 100% opposed to ANY special interest groups like the Kansas Realtors or Others(KAREI) trying to introduce and control another professions SMALL BUSINESS, especially when that means that these special interest groups are simply trying to shift liability away from themselves, home sellers, unregulated contractors and control or manipulate another professions business, or simply make it easier for someone to sue us with a frivolous lawsuit.

I'm happy to discuss this further, should you have any questions or concerns.

Thank you for your time,
Sincerely,

Mark Pence

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