

Home Inspectors

Article 12-B of the Real Property Law is entitled "Home Inspection Professional Licensing".

The section law as written is clear as to the licensing of individuals who provide home inspections for compensation. The text of the article is as follows:

§ 444-d. License requirements for home inspectors

No person shall conduct or represent that he or she has the ability to conduct a home inspection for compensation unless such person is:

1. licensed as home inspector pursuant to this article; or
2. a person regulated by the state or a political subdivision thereof as an architect who is acting within the scope of his or her profession; or
3. a person regulated by the state or a political subdivision thereof as an engineer who is acting within the scope of his or her profession; or
4. a person who is employed as a code enforcement official by the state or a political subdivision thereof when acting within the scope of that government employment; or
5. a person making home inspections for the purpose of meeting the requirements of section four hundred forty-four-e of this article to qualify for licensure as a home inspector.

As can be seen, any individual who claims to be able to inspect a home for compensation must be licensed (unless that person is an architect, engineer or code enforcement official pursuant to §444-d).

For a list of licensed home inspectors go to the DOS website (<http://www.dos.state.ny.us/>) or speak to your real estate professional.

Home Inspector Q & A

Q: Can an architect, engineer or a code enforcement official perform a home inspection?

A: An architect, engineer or a code enforcement official can only perform a home inspection for a fee, if they are licensed. The law provides for their inclusion as a home inspector only when they are acting within the scope of his or her profession. Beyond their scope of their profession, they would need to apply for a Home Inspector License.

Q: If a Home Inspection Report that was ordered by the buyer is given to the seller as the reason for declining to purchase a property, does the seller have to disclose to other potential purchasers the findings of the report?

A: Yes, if such items on the inspection report change the responses on the PCDS. Otherwise, the items are something that are discoverable by subsequent purchasers. Example, inspection shows evidence of recent standing water in basement. On PCDS, seller states on question 31 that there is no seepage that results in standing water. Unless seller can successfully refute findings of inspection, seller must amend answer on PCDS for all subsequent potential purchasers.