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HOUSE ECONOMIC DEVELOPMENT, COMMERCE & LABOR
Opponent Testimony on HB 211
Tuesday, October 31, 2017

Chairman Young, Vice Chair DeVitis, Ranking Member Lepore-Hagan, and Members of the committee:

I am here not only as an Inspector, Instructor and an Ohio business owner, even more importantly as a citizen of The State of Ohio. I am here to oppose HB211. I believe HB 211 leaves us with more questions than answers.

According to The Ohio Constitution, the government has a the role of securing enumerated rights of its citizens. Including that of enjoying liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety. In my view HB 211 unnecessarily restricts one's liberty and the acquiring, possessing, and protecting of property and seeking and obtaining happiness and safety. How? HB 211 requires a Home Inspector to be licensed, so why a Home Inspector license? Consider the definition of a license: in the law of contracts, a permission, accorded by a competent authority, conferring the right to do some act which without such authorization would be illegal.

Many of Ohio citizens do currently conduct inspections to enjoy life and liberty, in order to acquire, possess, and protecting their property, and seeking and obtaining happiness and safety. If passed HB 211 inherently makes inspecting an illegal activity, without the state's permission via a license to do so. This could be considered a restriction of the exercise of free trade and commerce.

With HB 211 the State of Ohio now becomes the recognized authority and source of competent home inspectors. Yet HB 211 requires only minimal education standards with no defined qualification for instructors. Why HB 211 does not even include residential construction and/or home improvement experience? This may be injurious to this state that would provide the official recognition of license Home Inspectors with very minimal standards. This may also be injurious to our citizens who are purchasing a home, since they may be relying these state licensed Home Inspectors.

For that matter why license Home Inspectors? Is there a demonstrated need? I made a request of the Consumer Protection Section of The Office of Ohio Attorney General and received the records of consumer complaints: Year/number of complaints 2013 / 3; 2014 / 8; 2015 / 2; 2016 / 1 and so far in 2017 / 1. We can see that for the last 5 years 15 complaints and in the last 3 years only 4 complaints recorded. I submit there is no demonstrated need for licensing Home Inspectors here in Ohio. In the event and out of concern of home buyers in the home inspection process if a legitimate situation arises that it is injurious to them, that citizen home buyer already has an avenue to file a complaint.

No home buyer education or bill of rights provisions are included in HB 211. Such a provisions could provide the home buyer with very important home buying information on subjects such as: The buyer has the right to choose the Home Inspector. How to select a Home Inspector? What are the industry standards of a home inspection? What is an appropriate expectation of a standard home inspection? Inform the home buyer that a standard home inspection is not technically exhaustive. Also, what are other inspections and tests that a buyer may want to utilize in their home buying decision making such as radon gas, mold, septic and well inspections?

Finally, In the event of any regulation of Home Inspectors I would recommend Home Inspectors should not be under the real-estate commission. I would simply recommend the registration of Home Inspectors who provide technical knowledge be regulated along with building inspectors, architects and engineers.

Mandatory licensing is not only burdensome to Home Inspectors, it is unnecessary. Ohio has already many Home Inspectors who provide quality work, appropriately regulated by certification and the free market. I strongly urge you to reject House Bill 211 and allow the hard working Home Inspectors to continue to serve their communities, provide for their families, and pursue the American dream.

Chairman Young, thank you for this opportunity to testify, I am happy to answer any questions at this time.