

New York State Association of Home Inspectors, Inc.

The voice of the home inspection profession in the Empire State

Position on NYS Licensed Engineers, Registered Architects, and the practice of Home Inspection

As adopted on February 12, 2007

It is the position of the New York State Association of Home Inspectors that Article 12-B of the Real Property Law titled Home Inspection Professional Licensing allows Professional Engineers and Architects to perform home inspections if such activities fall within the scope of their profession and area of expertise as defined by those professions, but that they are not allowed to promote themselves as home inspectors, and by extension, operate their businesses as home inspectors, or operate as home inspection businesses under the law unless they are licensed as home inspectors.

444-b. 4. of the law states, “Home Inspector” means a person licensed as a home inspector pursuant to the provisions of this article.” Nowhere in the law does it state that any individual other than a licensee meets the definition of home inspector, nor does the law state that a Professional Engineer or Architect is, by virtue of his or her professional education and credentials, a licensed home inspector. A Professional Engineer or Architect is not a “home inspector” as defined by the law until such individual applies for and receives a license as a home inspector. If an engineer or architect applies for and receives a license as a “home inspector” under the law, he or she could then refer to his or her services as those of a home inspector. Any individual licensed by the state as a “home inspector”, including Architects and Engineers, would be required to meet all of the requirements of the law, including continuing education and renewal.

“Home Inspection” as defined by the law “means the process by which a home inspector observes and provides a written report of the systems and components of a residential building, etc.” The law clearly defines “home inspection” as the practice of a licensed “home inspector.” The law also states in 444-d. that a licensed engineer or architect may perform a home inspection when acting within the scope of his or her profession. This seeming contradiction is resolved upon examining the phrase, “when acting within the scope of his or her profession.” The inspection of a home performed by an engineer or architect who is not licensed as a home inspector is not defined under the law. They are performing engineering or architectural services under the scope of their respective professions, not home inspections as defined by this Act. Unless the practice of home inspection is defined within the scope of their professions, they are providing engineering or architectural services, not legally defined home

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inspections. Any inspection of a home performed by a professional who is not a licensed home inspector does not necessarily meet the definition included within the law and will not be required to meet or be defined by the Standards of Practice developed under the law. While the services being provided may be similar to those provided by a licensed home inspector, and involve the inspection of the home, they should not be promoted as "home inspection," since this term is defined by the law not by their professions. Individuals or companies that promote their services as that of "home inspectors", providing "home inspections", rather than architectural or engineering services, must be licensed by, and subject to, the provisions of the Professional Home Inspection Licensing Act.

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