



Inspecting and Educating Since 1994 – Experience Counts!

February 8, 2022

Kansas House of Representatives
Commerce, Labor and Economic Development Committee

Re: HB2526

Dear Committee Members:

I am opposed to HB2526 for many reasons but I know you are hearing many of them from other inspectors so I will address a few you may not be hearing from others.

Most real estate agents wouldn't even know this effort was underway if not for a recent campaign asking them to provide "horror stories" about home inspectors and inspections. I have asked agents I work with and they have no interest in this.

This is not about providing more protection for consumers, rather it is about providing a clearer path to a commission check for real estate agents. Where are the "horror stories" from consumers, the people who are the parties to a real estate transaction? A quick call to the Attorney General's Office would tell you they have very few complaints about home inspectors but they have plenty about real estate agents.

The practice of home inspections arose decades ago out of a need to protect consumers from over-zealous real estate agents. That need is still valid today. We act as an objective information-provider for consumers engaged in a real estate transaction. We have no agenda other than providing useful information to our clients and we have no interest in the outcome of the transaction. Obviously, real estate agents are not objective and have a large interest in the outcome of the transaction. They do not get paid if the deal does not close. Therefore, home inspectors are viewed by some of them as impediments to their income. The proof is the labels they are so quick to use when talking about us: "dealkiller" and "alarmist". Make no mistake, this is an effort to get control of the people they consider to be impediments to their income.

Following are two facts that I hope you will consider when evaluating this proposed Bill:

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1. The fire marshal considers a basement bedroom with no fire egress window to be a firetrap, a significant potential safety risk to consumers. This rule prevented the real estate community from listing that room as a bedroom. That was unacceptable so they invented a new term: “non-conforming bedroom”. Only real estate agents refer to a firetrap as a non-conforming bedroom.
2. During the past year or so, agents have been encouraging potential buyers to make offers that waive all rights under the inspection clause, including the right to cancel the contract based on inspection-related issues. So they are telling you they want more protection for consumers and at the same time urging consumers to give up their protection.

These two examples will give you some insight into the thought process. Impediments to their income are to be controlled or removed – period.

I am asking you to consider the source of this effort and to see through all the smoke to the real agenda. Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "John Byron", is written in a cursive style.

John Byron
President