

Home inspector ignores fire hazard, avoids lawsuit

Defect costs buyer more than \$1,000

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[By Barry Stone](#)

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Dear Barry,

When I bought my house, the home inspector reported no problems with the main electrical panel. After moving in, my insurance company wrote to request a photo of the panel. I sent the photo, and they replied with a cancellation notice, stating that Federal Pacific breaker panels are fire hazards and must be replaced. The new panel cost me \$1,050. When I called the home inspector, he admitted that Federal Pacific panels are hazardous but said he had no obligation to tell me this. He said that 30 percent of the homes he inspects have these panels and that routine disclosures of this kind would cause many deals to fall out of escrow, exposing him to lawsuits from sellers. This sounds crazy to me and has me considering Small Claims Court against the inspector. Do you think he is liable? --Ellen

Dear Ellen,

Your inspector should be nominated for the Dirty Nerve Award of the year. His stated position exceeds the normal boundaries of professional outrage. Any reasonable inspector would be stunned by such responses. Simply stated, your inspector failed to disclose an electrical condition that is a known fire hazard. Then he compounded the damage with insult, claiming that he was not required to provide disclosure. On the basis of such thinking, a home inspector could avoid reporting any and all hazardous conditions, including defective heating fixtures, substandard fireplaces, damaged balcony railings, etc.

This inspector clearly has no concept of the purpose and intent of a home inspection, which essentially is to represent the interests of home buyers by reporting observable conditions that could be of concern or consequence. By all means, give him the opportunity to declare his defense to a Small Claims judge. Aside from reclaiming your losses, it would be interesting to observe the judge's responses to the inspector's outlandish arguments.

Dear Barry,

We bought our home about six weeks ago. At the time, our home inspector found no problems with the plumbing, other than a leaky sink faucet. But now our tub is backing up and our toilet won't flush. We believe that this is a pre-existing condition because the floor under the toilet had been replaced recently. How can we resolve this plumbing problem? Are the sellers liable for nondisclosure? And is our home inspector liable for negligence? --Julian

Dear Julian,

This has all the appearance of a no-fault situation. Sewage backups after the close of escrow are often matters of unfortunate timing, arising from causes that may or may not have been known to the sellers. In your case, it all depends upon whether there have been past or ongoing drainage problems experienced by the sellers. The home inspector, of course, would have had no way of knowing that sewage backups might occur unless symptoms were apparent during the inspection. The fact that the flooring was previously replaced at the toilet is probably unrelated to any sewage problem. Subfloors beneath toilets typically become rotted when there is a leaking seal.

At this point, the cause of the sewage backup needs to be determined by a licensed plumber. It could be

something as simple as roots in the sewer main or something more costly such as a deteriorated main line. A video inspection of the sewer lines would provide the most comprehensive analysis.

To write to Barry Stone, please visit him on the Web at www.housedetective.com.

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