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TEXAS HOMEBUILDER ASSOCIATIONS AND MUNICIPAL INSPECTORS ATTEMPT TO CENSOR HOME INSPECTORS

Though probably the most expensive item you'll ever purchase, your Texas home has become the least-protected merchandise you will ever acquire. Because of this most homebuyers hire third-party inspectors in order to determine the home's condition prior to purchasing it. Whose side should their inspectors be on?

Officers of the Building Officials Association of Texas, Texas Association of Builders, North Texas Chapter of the International Code Council, and the Greater Dallas Homebuilders Association organizations have recently filed complaints against a North Texas home inspector, Aaron D. Miller, CEI, CRI, with the Texas Real Estate Commission for full disclosure report writing. At first blush it appears that they are merely complaining about a few benign statements in his reports regarding their seeming inability to do their jobs properly, stating that the "municipal inspectors are more often than not overworked, underpaid and undereducated". Certainly this goes much deeper than that. To the outside observer it might even appear to be a sort of line of attack the ultimate goal of which is to silence or at least censor third party inspectors in both the new construction and existing home sales arenas. It is at the very least a thinly veiled effort to bowdlerize the inspector's reports thereby infringing upon his first amendment rights and preventing him from fully educating the consumers he serves.

The commission fully exonerated Mr. Miller for his comments and defended his right to make them, but the TREC counsel who responded to the initial barrage of grumbling seemed to side with the complainants by saying, "Mr. Miller has crossed the bounds of professionalism by criticizing municipal building inspectors in his report." Obviously, as reported in the February 2004 issue of Journal of Light Construction, the Chairman of the New Jersey State Commission of Investigation believes otherwise when he states, "Builders large and small, their bottom lines increasingly defined by speed and volume rather than quality and craftsmanship, are churning out second-rate structures by unsupervised subcontractors using unskilled, untrained laborers. Rampant code violations go undetected because individuals charged with conducting inspections are unqualified or corrupt or, sadly, both – or are simply overwhelmed by their workload."

From the same JLC article Orlando Sentinel reporter Dan Tracy wrote that a team of engineering students and an experienced home inspector found, "a systematic lack of quality control by builders who are producing too many homes too fast, with not enough trained workers and inadequate oversight." Further he criticized "over-worked and uncritical" building inspectors, citing "numerous examples of inspectors checking 60 houses a day – triple what's considered a reasonable workload."

But why single out New Jersey and Florida? Surely they build better houses elsewhere, right? Not according to the "Housewrecked" article in the January 2004 issue of Consumer Reports. Read it if you haven't already.

There have also been numerous articles written in newspapers and periodicals throughout Texas within recent months bemoaning the sad state of affairs in the building industry here. I'm sure that you've seen some of these. I sincerely hope that you see a pattern emerging here.

Who's protecting the new homebuyer? It is certainly not the builders or municipal inspectors. Some would have you believe that it's the recently formed embarrassment dubbed the Texas

Residential Construction Commission. Being primarily composed of builders and builder's attorneys, how can this possibly be? Take a hard look at the very reason the commission was formed: to lighten the burden on the courts by lessening the huge number of lawsuits pending against Texas builders by dissatisfied homebuyers. In New Jersey while they are prosecuting them, in Texas we've allowed them build their own bastion.