

Inspection Reports: Present or Past Tense?

Should inspectors write their report observations in the past tense?

Yes. It may help reduce your liability.

Isn't the report a document stating the condition of the property at the time of the inspection? Yes. Then, why use the present tense?

Some of our everyday reading and writing habits may infuse our report writing. For example, in newspapers, we almost always see the use of present tense, as in, "The governor says..." and "The prosecution states..." even though these typically refer to past events. This lends immediacy to the story, especially for breaking news.

But at the point that you sit down to write your inspection report, you have already completed your inspection, so you should use past tense in your report to record what you did, what you saw, and what you recommend based upon the inspection performed in the past.

When explaining what you did in your inspection, use past tense. Whatever you did, opened, turned on, checked, saw, observed, found, discovered, thought, deduced, guessed, recommended – ALL happened at some specific, definite time in the past. In other words, it is not still being done.

Examples:

"I walked on the slow-sloped roof and saw a large, standing puddle. It was more than 48 hours since the last rain storm."

"There were no indications of moisture intrusion as I performed my visual observation of the second-floor bedroom ceiling."

Your inspection results were relevant only in the past or to a particular time, and should not be accepted as a present observation, present condition, or present truth.

Example:

PRESENT TENSE:

The heating system is turning on, is functional, and is responding to normal operating controls.

PAST TENSE:

The heating system turned on, appeared functional, and responded to normal operating controls at the time of the inspection.

It is clear from the use of past tense that the heating system worked at the time of the inspection. There is no room for misinterpretation.

Present vs. Past

But aren't there times when an inspector should use the present tense?

Yes.

You should write your report in the present tense when you want to express something that will continue to be true.

Example:

PRESENT TENSE:

InterNACHI is the world's largest trade association of residential and commercial building inspectors.

Use present tense to express general truths, facts and conclusions supported by your inspection results that are unlikely to change – in other words, something that is believed to be always true.

Example:

PRESENT TENSE:

The garage door is one of the largest moving objects in a home. Improperly installed "safety eyes" of the garage door is a main cause of property damage and bodily injury. Testing and monitoring the garage door's operation is an important task related to home maintenance.

You might use PRESENT TENSE to report your final conclusions. You might use present tense to discuss your observations and their implications.

Example:

"The roof covering material was in poor, deteriorated condition at the time of the inspection. Roof covering in poor condition will likely present a water intrusion problem in the future. Water intrusion and hidden moisture damage is a major concern when the roof system is in poor condition. The roof system requires further evaluation and major repair by a professional."

What if you're concerned about having your report introduced into evidence in a court of law? This is perhaps the most compelling reason for using past tense.

Some inspectors contend that their Inspection Agreement already contains a disclaimer, stating something along the lines of: "Conditions observed and recorded in this report were true for the time and date of the inspection." They figure that this will cover them in terms of legal liability, in case an unhappy client tries to argue that a condition observed for the stated date of the inspection still holds true for the future, as well. And, technically, these inspectors would be correct.

Hopefully, things won't get to a point that you'll be appearing in front of a judge, if your report is written clearly and your client's expectations were set properly. However, we review many home inspection reports every week. Over the years, we've learned that what gets inspectors into trouble is the answer to this following question:

"What does the report say?"

Most times, the report says things such as:

- “The roof is in good condition.”
- “The AC unit works.”
- “There are no water leaks.”
- “The sink drains.”
- “There are no foundation cracks.”

Notice that all of these routine observations are written in the present tense.

In court, however, there’s a huge advantage for the inspector of having the plaintiff’s attorney stuck quoting PAST-TENSE statements from your report. When an inspector writes, "The roof is in good condition," a client may interpret that as a warranty of some kind. But the attorney will only be able to quote what you wrote, which is written in past tense: "The roof was in good condition." This helps your case and legal position immensely.

We understand that the disclaimer and agreement can state that the report documents the condition of the property on the day of the inspection, and inspectors should not neglect to include this disclaimer in all their inspection reports, regardless. But it’s a stronger position to be in when someone reads your report that is written in the past tense.

Consider writing your report observations in the PAST tense.

It may help reduce your liability.