

TIPS FOR HOMEBUYERS

(or how to become an experienced buyer)

HOME INSPECTION: When buying a residential dwelling, it is always advisable to have a qualified and neutral home inspector perform an inspection of the structure and its fixtures, including all heating and air conditioning systems. A good inspector cannot always detect hidden rot or other damage, but a good inspector can often identify potentially costly problems. The inspection should be performed before you sign a Purchase and Sale Agreement (“P&S”). You may also wish to hire a qualified inspector to check for evidence of termites, pests and other infestation, and if the home is serviced by a private well the well capacity and water quality should be tested.

SEPTIC INSPECTION: In Massachusetts with homes served by a private septic system, a system inspection by a qualified inspector is required prior to the closing. The purpose of the inspection is to determine if the system is “failing” to protect public health, and nothing more.

TITLE INSURANCE: In Massachusetts you should expect your mortgage lender to assign a Massachusetts Attorney to perform a title examination regarding the ownership of the property you are buying, and provide you with an attorney’s certification of title and the opportunity to purchase title insurance.

MORTGAGES: If you are not familiar with the note and mortgage forms usually required by lenders in single family dwelling transactions, you can review typical forms at web sites such as <http://www.freddiemac.com/uniform/>, and you can learn a lot about title insurance from the title insurance company web sites such as <https://www.ctic.com/consumers.asp>

YOUR OWN INSPECTIONS: Having the structure inspected, the title examined and the septic system inspected are only the minimum steps that a homebuyer should attend to before committing hundreds of thousands of dollars to the purchase of a home. A careful homebuyer should take a few days off from work and perform his/her own inspection of the property before signing a P&S. Examples of inspections a buyer should perform include:

1. **SATELITE MAP VISIT:** Many people start their due diligence examination of a parcel by viewing the parcel on an online satellite mapping program which can help a purchaser view the neighborhood from a different perspective, including the location of open parcels, construction sites, airports, industrial sites and highways.
2. **WALKING TOUR OF THE NEIGHBORHOOD:** Some buyers take the time to explore the neighborhood on foot and by car to meet some of the neighbors and to keep their ears open to industrial noises, or barking dogs.
3. **BOARD OF HEALTH RECORDS:** Visit the City or Town Hall to review the Board of Health files on the home to determine the age of the septic system and the designed capacity of the system. There is no requirement that the system inspector verify that the designed capacity of the system match the requirements for the number of bedrooms currently constructed within the dwelling. The approved plans on file should also show the proposed location of the reserve septic field area (for replacing the septic field when it fails).

4. **BUILDING AND ZONING DEPARTMENT RECORDS:** At the City or Town Hall you should also review the Building Department files to verify that any recent construction was performed with valid permits and there are no outstanding enforcement actions. The records of the Zoning Board may also contain copies of special permits or variances that were issued for the property which may contain limitation or conditions on the use of the property.
5. **CONSERVATION ISSUES:** At the City or Town Hall you should also review the local wetland maps to help determine if the property lies within 100' feet of any wetland, vernal pool or other protected resource areas, or within 200' of a river. No activity, including the cutting of any vegetation, may be performed within such limits without permits from the Conservation Commission or its equivalent. Even if the closest wetlands are on your neighbor's land, such could still interfere with your ability to perform construction, grading or other activity on your lot. The local agent for the Conservation Commission should also let you know if there are any outstanding enforcement actions or outstanding Orders of Conditions applicable to the property.
6. **PLANNING DEPARTMENT:** The Planning Department at the City or Town Hall should be able to tell you about any new developments that are being planned for your area. If there is vacant land nearby, you should find out what types of uses could be constructed on such vacant land. Additionally, you should inquire about any other proposals to demolish and redevelop existing buildings and parcels. For example, you cannot safely assume that in a neighborhood with one-acre residential zoning that no more than one single family home can be constructed within each one acre parcel. Comprehensive Permit Projects (Chapter 40B Projects) and exempt uses such as government uses, schools, churches, day care facilities and non profit educational facilities do not have to comply with the zoning requirements that are generally applicable to other uses.