

60 CMR 74.00: Residential Home Inspection Waivers

74.04 Exemptions

(1) The limitations under 760 CMR 74.03 shall not apply if the Prospective Purchaser is any of the following:

- (a) A Relative of the Seller; or
- (b) The former spouse of the Seller and the sale of the Residential Property is being made pursuant to a judgment or order under M.G.L. c. 208; or

(2) The limitations under 760 CMR 74.03 shall not apply to any of the following sales or Transfers of Ownership:

- (a) A sale or Transfer of Ownership where the offer to purchase or a Purchase and Sale Agreement, whichever occurs first, was executed on or before October 15, 2025;
- (b) A sale or Transfer of Ownership involving the foreclosure of a mortgage;
- (c) A sale or Transfer of Ownership involving a deed-in-lieu of foreclosure;
- (d) Deeds reconveying a property in order to release a debt, lien or other security obligation; or
- (e) Where the Seller transfers the Residential Property to a Relative for estate planning purposes, including but not limited to, through a revocable or irrevocable trust, where at least one of the designated beneficiaries is a Relative of the Seller.
- (f) A sale or Transfer of Ownership of a Newly Constructed Residential Property where the first written contract to purchase is executed prior to the Substantial Completion of construction and the Seller offers the Prospective Purchaser an express written warranty for a term of at least one year that construction will be completed in a good and workmanlike manner in accordance with all applicable building laws and regulations and that the components of the Residential Property will function properly, including, at a minimum, heating, cooling, plumbing and electrical systems, structural components, foundation, roof, masonry structure, exterior and interior components and any other related residential housing components.