MAR
MASSACHUSETTS ASSOCIATION of REALTORS®

Facts for Consumers

Commonwealth of Massachusetts ~ Office of Consumer Affairs ~ Division of Professional Licensure

About Home Inspections

A standard home inspection is a visual examination of the physical structure and major interior systems of a residential building consisting of one to four dwelling units. An inspection can be likened to a physical exam by a physician; however, it should be clearly understood that a home inspection is not to be confused with an appraisal, a building code inspection, a guarantee of any kind, and/or an insurance policy on the condition of the property.

During an inspection, the inspector will review the readily accessible exposed portions of the structure of the home, including the roof, the attic, walls, ceilings, floors, windows, doors, basement, and foundation as well as the heating/air conditioning systems, interior plumbing and electrical systems for potential problems.

Home inspections are not intended to point out every small problem or any invisible or latent defect in a home. Most minor or cosmetic flaws, for example, should be apparent to the buyer without the aid of a professional.

Timing of the Home Inspection

A home inspector is typically hired by a potential homebuyer right after the offer to purchase contract is signed, prior to executing the final purchase and sales agreement. However, before the potential buyer signs the offer to purchase contract, he/she should be sure that there is an inspection clause in the contract making the purchase obligation contingent upon the findings of a professional home inspection. This clause should specify the terms to which both the buyer and seller are obligated.

Selecting a Home Inspector

Good referral sources for home inspection services are friends, neighbors, or business acquaintances who have been satisfied with a home inspector. In addition, lawyers and mortgage brokers may also recommend a home inspector. The names of local inspectors can be found by searching the Division of Professional Licensure website at www.state.ma.us/reg/boards/hi, or in the Yellow Pages where many advertise under "Building Inspection Service" or "Home Inspection Service."

Real estate brokers and salesmen may not directly recommend a specific home inspection company or home inspector unless representing the buyer as a buyer's broker. Brokers, however, may provide assistance to buyers in accessing information on licensed home inspectors.

A current home owner may also want to get a home inspection to identify any problems, especially if the owner plans to sell the home in the near future.

Following are additional tips when searching for a home inspector:

- As of May 2001, home inspectors are required to be licensed in the Commonwealth of Massachusetts. A home inspector's license should be verified prior to hiring. Consumers should not be confused by home inspector "certifications" offered by, or sold by home inspection trade societies or companies, obtained via home study courses, or provided by home inspection companies that certify their own home inspectors. Since the home inspection business is unregulated in most states, certifications are available to anyone. A home inspector's license can be verified with the Board of Registration of Home Inspectors at its website or by calling the Board at (617) 727- 4459.
- The home inspection company that is retained should welcome the potential buyer's presence at the home inspection. The home inspector should be willing to address all of the buyer's questions and provide a full verbal and written report.
- Those hiring an inspector should expect an open door policy from the home inspection company to be able to ask questions about the content of the home inspection report in the future.

During the Home Inspection

While not necessary, it is recommended that the buyer be present for the inspection. This allows the buyer to observe the inspector, ask questions directly, and obtain a better understanding of the condition of the home, how its systems work, and how to maintain it. The written report may be easier to understand if the buyer was present during the inspection.

It is important that safe access and sufficient lighting is provided so that the inspector can inspect the property.

Inspectors must provide a written evaluation report based on the standards of compliance in accordance with Massachusetts General Laws Chapter 146.

At the conclusion of the home inspection, the buyer should be well informed of the condition of the home. It should be known if there are visible, apparent problems, if repairs need to be made, or whether or not there are any risks of concealed damage, and whether further investigation is recommended and/or required.

Other Inspections and Tests to Consider

It is strongly recommended that potential buyers consider having the following inspections and/or tests performed prior to signing the final purchase agreement: lead paint, pests, wood destroying insects, including termites, and air quality including radon gas. While some home inspectors are qualified to offer these services, these inspections and tests are not part of the basic home inspection and should be contracted through qualified licensed professionals in those fields. It should also be noted that the seller is required, under 105 CMR 651.010, to provide the potential buyer with an affidavit disclosing the presence of Urea Formaldehyde Insulation if it exists. In addition, the seller under 105 CMR 460.750(A) shall disclose if the property has been inspected for lead paint and provide copies of any lead paint reports concerning the residential permises or any dwelling unit therein.

Filing a Complaint

While most licensees conduct themselves as true professionals, the Division of Professional Licensure will take action against those licensees who fail to maintain acceptable standards of competence and integrity. In some cases, complaints are made by dissatisfied consumers, however, dissatisfaction alone is not proof of incompetence or sufficient grounds for disciplinary action.

If you have a serious complaint about a home inspector, call or write the Division's Office of Investigations and ask for a complaint form. The Division's Office of Investigations is located at 239 Causeway Street, Boston, MA 02114. The phone number is 617-727-7406. A copy of the complaint form can also be downloaded from the Division's website (www.state.ma.us/reg/).