

**TITLE 5 ADDENDUM**

The Massachusetts Department of Environmental Protection ("DEP") has established regulations governing on-site, subsurface sewage disposal systems, including septic systems and cesspools, that apply at the time of sale or transfer of a property served by an on-site subsurface system. (Title 5 of the Massachusetts Environmental Code, 310 CMR 15.301 et seq.) The regulations require that septic systems and cesspools be inspected by a licensed inspector "at or within two years prior to the time of transfer of title" to the property to determine if the system complies with DEP requirements. An inspection performed up to three years prior to sale or transfer of title may be used if the inspection report is accompanied by system pumping records demonstrating that the system has been pumped at least once a year during that time. If weather conditions preclude an inspection at the time of transfer, the regulations permit the inspection may be conducted up to six months after sale or transfer. A copy of the inspection report shall be submitted to the buyer or other person acquiring title. The fact that a system passes an inspection is not a guarantee or warranty that the system will continue to operate satisfactorily in the future. If the system fails the inspection criteria established by the regulations, the system will need to be repaired, upgraded or replaced in accordance with Title 5. A state income tax credit may be available for forty percent of the cost of repair or replacement of a failed system serving one's primary residence up to a maximum credit of \$6000.00 (where repair or replacement of a system costs \$15,000 or more), subject to applicable law.

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BUYER Date

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SELLER Date

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BUYER Date

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SELLER Date

