

Massachusetts Regulation Prohibits Sellers from Accepting Offers with Preemptive Inspection Waivers

Description

By [Jay Peabody](#), [Allison Fleet](#), [Brian Reilly](#), and Madeline Ursini

Effective October 15, 2025, Massachusetts has adopted new home inspection regulations under 760 CMR 74.00 that prohibit sellers from accepting residential real estate offers containing preemptive inspection waivers, or conditioning a seller's acceptance of an offer on the waiver, limitation, or other restriction of the potential buyer's right to perform an inspection of the subject premises. Additionally, purchase agreements are prohibited from containing clauses that effectively render a home inspection meaningless. These measures aim to safeguard buyers by ensuring they maintain the right to conduct property inspections prior to closing, reducing post-sale disputes related to undisclosed defects, and helping buyers make informed decisions about the condition of a property.

For brokers, this regulation highlights the importance of carefully reviewing all offers to confirm that no inspection waiver is included. Accepting or facilitating acceptance of such offers may jeopardize contract enforceability and expose brokers to disciplinary action and to regulatory scrutiny, including potential liability under Massachusetts General Laws Chapter 93A, § 2, which addresses unfair or deceptive practices.

Buyers continue to have the right to include inspection contingencies in their offers, but waiving these rights is no longer permitted or enforceable in Massachusetts residential real estate transactions if such waiver is made as a condition to seller's acceptance or an offer contains a preemptive inspection waiver. Under the new regulation, sellers must also provide a separate written disclosure informing buyers that offer acceptance is not contingent on waiving an inspection and that buyers may choose to have the property inspected. A seller's failure to provide this disclosure, which will be provided by means of a standard form to be developed by the Executive Office of Housing and Livable Communities, will result in a violation of consumer protection law. Only after receiving the mandatory disclosure and entering into a signed purchase agreement, may a buyer elect to not conduct an inspection; provided, such election was not required by, or otherwise influenced, by the seller.

For additional information or guidance navigating this regulatory change, please contact a member of PSH's [Real Estate](#) Group: [Jay Peabody](#), [Allison Fleet](#), [Brian Reilly](#), or Madeline Ursini. The full text of the regulation is available [here](#).

Date Created

July 15, 2025