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CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

ORDER PERMITTING THE TEMPORARY CONDITIONAL DEFERRAL OF CERTAIN INSPECTIONS OF RESIDENTIAL REAL ESTATE

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19");

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the number of presumptive positive and confirmed cases of COVID-19 continues to rise in the Commonwealth. As of March 19, 2020, 328 cases of COVID-19 were reported by the Department of Public Health, with 12 of the 14 counties in the Commonwealth impacted;

WHEREAS, the Federal Centers for Disease Control and Prevention and the Massachusetts Department of Public Health recommend implementation of community mitigation strategies, including avoiding close personal contact with others and practicing social distancing when outside of the home;

WHEREAS, ensuring the ability to engage in residential real estate transfers assures the continued availability of housing stock in the Commonwealth, protects an important component of personal and family investment for our residents, and supports a critical component of the Commonwealth's private sector economy;

WHEREAS, the continued well-being of those responsible for the health, safety, and welfare of the residents of the Commonwealth, particularly fire department personnel, is of paramount importance, and it is therefore necessary to minimize the risk of unnecessarily or unknowingly exposing any such individual to COVID-19, and the consequent risk of subsequent transmission to other frontline responders; and

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WHEREAS, Sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over the policing, protection, and preservation of all private property by the owner or person in control thereof;

NOW, THEREFORE, I hereby order the following:

During the state of emergency, any inspection of a dwelling, building, or structure that is required by Sections 26F and 26F½ of Chapter 148 of the General Laws may be deferred as a condition of a sale or transfer of said dwelling, building or structure. Such inspection may only be deferred, however, provided that:

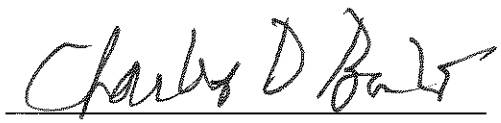
(a) the parties to the sale or transfer have agreed in writing that the buyer, not the seller, shall be responsible for equipping the dwelling, building, or structure with approved smoke detectors and carbon monoxide alarms;

(b) the buyer agrees as a condition of taking title to equip the dwelling, building, or structure with approved smoke detectors and carbon monoxide alarms immediately upon taking title according to the provisions of 527 CMR 1.00, Chapter 13; and

(c) any inspection that would otherwise be required by Sections 26F and 26F½ of Chapter 148 of the General Laws is conducted no more than 90 days after the state of emergency is terminated; and provided further that the head of the fire department for the municipality in which the dwelling, building, or structure is located shall ensure that such inspection is conducted within the required period pursuant to the authority granted by Sections 26E, 26F, and 26F½ of Chapter 148.

This Order is effective immediately and shall apply to any sale or transfer that occurs while the Order is in effect. This Order shall remain in effect until rescinded or until the state of emergency is terminated, which ever happens first. Any such rescission or termination shall not invalidate any inspection deferral that was agreed to pursuant to the terms of this Order during the period in which this Order was in effect.

Given in Boston at 1:20 PM this 20th day of March, two thousand and twenty



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts