



BOH Forms: #22 Title 5 Transfer Requirements

Board of Health and Local Health Department Standard Operating Procedures (SOP)

Berkshire Public Health Alliance

Did you know that Massachusetts requires a “Title 5” Septic System Inspection for most transfers of property?

Massachusetts requires all septic systems to be inspected (a Title 5 Inspection) by a certified inspector at the time of sale or title transfer, except for limited cases of transfers/sales by close family, even when a property is purchased with cash with a Quit Claim Deed or as-is per MGL c.21A§13 and 310 CMR 15.000.

A Title 5 inspection must be done within 2 years prior to a title transfer (or within 3 years if the system was pumped out annually during the first two years).

If a Title 5 inspection cannot be performed at the time of transfer due to weather, the inspection may be completed as soon as weather permits, but in no event later than six months after the transfer, provided the seller informs the buyer, in writing, of the requirements of 310 CMR 15.300 - .305. If an inspection is not done prior to the time of transfer by the seller, the responsibility to get one done within 6 months legally falls on the buyer as the new owner of the property.

Most towns in Berkshire County require a Board of Health member or agent to attend the Title 5 inspection as a witness that the system is functioning properly.

Title 5 Septic Inspection Required	Title 5 Septic Inspection Not Required
At time of Title Transfer, including: <ul style="list-style-type: none"> • Bank financed sales, • Cash sales, • Quit claim deed sales, or • “As- is” sales 	If a Certificate of Compliance on a complete new septic system has been issued within 2 years, or 3 years if the system was pumped during the 3 rd year
Within 6 months of Title Transfer, including: <ul style="list-style-type: none"> • Foreclosure, • Bankruptcy, • Sale of a Condominium Unit, or • Levy of Execution that results in a conveyance of property. 	If the transfer is between close family, including: <ul style="list-style-type: none"> • Between current spouses, • Between parents and their children, • Between full siblings, or • Where property is held in certain trusts
When there is a proposed change to the facility which requires a building or occupancy permit	When there is a change in ownership where no new parties are introduced (e.g. estate planning or divorce)
When there is a proposed change in footprint, to make sure that the construction will not be placed on top of any system components.	Appointment of or change in a guardian, conservator or trustee
When MassDEP or the local BOH orders an inspection	Refinancing or issuance of a mortgage

Have questions? Contact the Alliance - inspectors@berkshireplanning.org