

**CONCRETE/ FOUNDATION ADVISORY TO BUYERS and SELLERS In
Massachusetts**

**Regarding Properties Located in HAMPDEN, HAMPSHIRE and WORCESTER
Counties**

Constructed After 1982 (including any Additions):

**Provided to ALL SELLERS and BUYERS (both Clients and Unrepresented
Customers)**

FOR PROPERTY LOCATED

AT: _____

Foundation cracks, problems or failures may be a result of many factors including but not limited to chemical compositions in foundation materials or natural occurrences at any time during the life of a property.

A recent news article⁽¹⁾ reported that a number of properties located in Hampden County and Hampshire County, Massachusetts, have exhibited foundation problems attributed to a certain mineral, namely pyrrhotite (an iron sulfide compound) in those concrete foundations. This is similar to foundation problems that have previously been reported in several cities and towns in Connecticut. It also has been reported in Worcester County.

The foundation failures in Connecticut appear to be typically identified in homes built from 1982 forward. Additions built during this time period may also be affected. Because the problems in Hampden, Hampshire and Worcester Counties appear to be similar to the problems identified in Connecticut, and **in the absence of data specific to Massachusetts, the link below is made available to the Connecticut Department of Consumer Protection website as an informational resource.**

<http://www.ct.gov/dcp/cwp/view.asp?a=1625&Q=569328>

The REALTOR® Association of Central Massachusetts is providing this information to BUYERS and SELLERS in an effort to help them make informed decisions regarding real estate purchases. However, the scope and extent of failed or failing foundations is outside the area of expertise of real estate Brokers and Licensees. Real estate Brokers and Licensees ARE NOT foundation experts and ARE NOT qualified to independently provide opinions regarding foundations or foundation materials, or to conduct an independent investigation into representations that other parties may have made about foundations or foundation materials⁽²⁾. Buyers and Sellers are advised that **ONLY engineers can provide expert guidance and assistance** regarding a specific property's concrete foundation.

Buyers and Sellers should NOT rely upon any statement or representation made by real estate Brokers or Salespersons regarding a property's concrete foundation and/or possibility that problems may or may not develop in the future. Engineers can provide guidance and expert assistance into aspects of foundation problems and concerns.

CONDOMINIUM/PLANNED UNIT DEVELOPMENT (PUD) NOTICE: Buyer(s) of condominiums, PUDs or properties with Home Owners' Associations may have regular or special assessments, which could be

inclusive of repairs needed to any structure in the complex due to failing or crumbling foundations. Among others inquiries, Buyers of such properties should ask about existing or pending planned assessments, or any discussion of future assessments and inquire of the property manager about any known testing, repairs or evidence of failing foundations throughout the entire complex, not solely the unit Buyers are interested in purchasing.

By signing below, Seller(s) and Buyer(s) acknowledge receipt of this Advisory. **Seller(s) and Buyer(s) further acknowledge and agree Real Estate Brokers and Licensees are not experts in foundations and foundation materials and cannot undertake any independent investigations into the condition of foundations or representations that may be made by Sellers, home inspectors or others on any property.**

Seller (Please Print Name) Date

Seller (Please Print Name) Date

Seller Signature Date

Seller Signature Date

Buyer (Please Print Name) Date

Buyer (Please Print Name) Date

Buyer Signature Date

Buyer Signature Date

- (1) *Failing foundations: Connecticut concrete emerges as threat to some Massachusetts homes, posted December 5, 2017 in Business News. MassLive.com*
- (2) *If the Broker or Salesperson has actual personal knowledge of a known material defect, including a verified problem with a property's foundation, then the Broker or Salesperson would be required to disclose that fact.*

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