



New England Regional Midweek Update
10/29/2025

Dear Stewart Partners,

In anticipation of Halloween, this week's edition of the mid-week update has some tricks and some treats! In the 'tricks' category, for those who practice in Massachusetts, the new rule requiring the filing of a Non-Resident Withholding return with the Department of Revenue goes into effect on November 1. We also have a new regulation regarding home inspections which went into effect on October 15. For more information on those, read below. We are also providing you with information about municipal utility liens in Massachusetts, and a recent Special Alert issued for property in Rhode Island.

In the 'treats' category, our November installment of Stewart Underwriters Talk Title is scheduled for November 5 at 11:00 AM. Rhonda Duddy will present a concise 30-minute presentation on Fiduciaries and Self-Dealing. For registration information, follow the link below. Also, REBA's 2025 Annual Meeting and Conference is coming up on Monday November 3. For more information or to register, follow this [link](#). We hope to see you there!



New Massachusetts Filing and Withholding Requirements as of November 1, 2025 By: Tracie M. Kester, Associate Senior Underwriting Counsel, Massachusetts

Many of you know that effective November 1, for all closings with a gross sale price of \$1,000,000 or more, all sellers will be required to provide a Transferor's Certification to the closing attorney, and the closing attorney will be required to file Form NRW with the Massachusetts DOR. Further, if the seller is unable to certify that they are exempt, the closing attorney will have to withhold a certain portion of the sale price and remit it to the DOR. Stewart recently issued Bulletin [MA2025003](#) regarding the new filing and withholding requirements.

This past weekend, DOR released the final version of the [Transferor's Certification](#), along with updated [Instructions](#) for completing the Certification. Fortunately, the form now includes a box for the "total amount that must be withheld from this Transferor" such that the settlement agent will not have to perform these calculations. The Instructions have also been updated to assist the seller in computing the amount to be withheld.

REBA recently hosted a webinar on the new regulations, and a recording can be viewed on their website here: [REBA Webinar - Withholding on Sales of Massachusetts Real Estate](#)

As of today, we are still waiting for the Form NRW (the actual tax return that is to be filed with the DOR through the Mass Tax Connect website) to be released.



New Massachusetts Home Inspection Law By: Tracie M. Kester,
Associate Senior Underwriting Counsel, Massachusetts

Massachusetts regulations which went into effect on October 15, 2025 prohibit sellers or seller's agents from requiring a prospective buyer to waive a home inspection as a condition of accepting their offer. These new regulations can be found at [760 CMR 74.00](#). The regulations apply to purchases of one to four family residences, including condominiums and cooperatives. As with any law, there are exemptions, including sales of newly constructed houses (provided an express one-year warranty is provided), auctions conducted by licensed auctioneers, and a sale involving the foreclosure of a mortgage.

There is also a new form, entitled "[Massachusetts Mandatory Residential Home Inspection Disclosure](#)" which must be signed by both buyer and seller prior to signing the "first written contract to purchase" residential property. The Disclosure informs the parties that the seller is prohibited from accepting an offer that is contingent upon the buyer waiving their home inspection rights, and requires the seller to warrant that the transaction is not contingent upon such a waiver. The Disclosure is required regardless of whether a broker is involved in the transaction.

Real estate brokers and agents should be aware of this requirement, but it is important for attorneys to be familiar with the regulations, particularly if they are representing a seller in a "for sale by owner" transaction. The Massachusetts Association of Realtors® (MAR) has dedicated [a section of their website](#) to the new regulations. Materials available on their site include a link to watch a recent virtual town hall held by MAR as well as a Frequently Asked Questions section.



Municipal Utility Liens in Massachusetts By: Mark A. Jones, Esq.,
Associate Senior Underwriting Counsel – Massachusetts

Most cities and towns in Massachusetts offer water and sewer services. In addition, in certain areas, services such as electricity or natural gas service are offered by a municipal utility company and not private companies such as Eversource, National Grid and Columbia Gas. For the conveyancer it is important to remember that unlike private companies, where bills due and payable are a personal debt, the municipalities can place liens for unpaid charges against the land served by the utilities. Under G.L. 164, section 58B-58F, Municipal Lighting Plants have an automatic lien on real estate for nonpayment of gas, electric, or steam service, plus interest and costs. Therefore, it is important to confirm that all amounts due and payable for municipal utilities in Massachusetts have been paid at the time of a closing – as the unpaid municipal bill can be added to the property owner's tax bill and if the bill remains unpaid, can ultimately lead to a taking by the town or city. This process is possible for a variety of municipal charges, including but not limited to electricity, water, gas, and sewer.

The Mass.gov site provides a list of all towns that are served by Municipal Lighting Plants. It is important to be aware that a Municipal Lighting Plant can service more than one town. To view the list, follow this link: [Massachusetts municipally-owned electric companies | Mass.gov](https://www.mass.gov/municipally-owned-electric-companies)

Here is how the process works in Massachusetts:

- **A municipal lien is created.** When a municipal charge, such as an electric bill, is unpaid, a lien is automatically placed on the property.
- **The unpaid bill is certified.** The board responsible for collecting the unpaid charge can certify the debt to the tax assessors. The assessors then add the amount owed to the property's real estate tax bill.
- **Demand notices are sent.** If the tax bill remains unpaid, the tax collector will send a demand for payment. If the bill still isn't paid, the municipality may proceed with a "tax taking."
- **A tax title is recorded.** A tax taking is formalized by recording an "Instrument of Taking" at the Registry of Deeds. This action gives the city or town a "tax title" which the municipality can foreclose.
- **Foreclosure proceedings begin.** Once a tax title is established, the municipality can begin foreclosure proceedings in Land Court. The property owner retains the "right of redemption," which means they have the right to pay the total amount owed plus interest and fees in order to regain full ownership.
- **The property can be divested.** If the owner fails to pay the redemption amount by the court's deadline, a judgment of foreclosure can be issued. This transfers title to the foreclosing party.
- **Redeeming the property.** If the municipality has only filed a tax taking at the Registry, but has not initiated a foreclosure on the right of redemption, the owner simply needs to pay the outstanding taxes and fees due in order to obtain a certificate of redemption, which will release the tax taking. If, however, the municipality has recorded a petition to foreclose, it will be necessary for the foreclosure proceeding to be dismissed or withdrawn, which withdrawal will need to be documented at the Registry of Deeds, along with a Certificate of Redemption.

Typically, a Municipal Lien Certificate will disclose any outstanding utility charges owed or will give instruction to call and obtain a final bill. But it is prudent for the conveyancer to reach out directly to the utility and confirm any final amounts owed in the event that all the charges are not included on the Municipal Lien Certificate. [Massachusetts Municipally Owned Electric Companies](https://www.mass.gov/municipally-owned-electric-companies)

As always reach out to a Stewart Underwriter if you have any further questions regarding Municipal Liens.



Upcoming Webinar: Massachusetts Underwriters Talk Title – Fiduciaries and Self-Dealing – November 5, 2025

Please join Rhonda Duddy, MA and NH Underwriting Counsel, on Wednesday, November 5, 2025, at 11:00 AM for the next installment of our talk title series. In this webinar, Attorney

Duddy will discuss fiduciary duties with respect to real estate transactions when title is derived from a trustee, by an attorney in fact under a power of attorney or when taking title from probate. To register follow this link: [Stewart Underwriters Talk Title](#)



In Case you Missed It

Bulletin SA2025310: SPECIAL ALERT FOR RHODE ISLAND

Stewart has issued a special alert bulletin for possible vacant land fraud on property located at 410 Robin Hollow Road, West Greenwich, RI. All issuing offices are instructed not to accept any orders, issue any commitments or preliminary reports, or close any transactions involving the following without written clearance from Stewart Legal Services. For the full text of the bulletin, follow this link: [Bulletin SA2025310](#)



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