INSIGHTS + NEWS

Samantha McDonald and Korrin Petersen Caution Why Title Searches Won't Always Protect a Homebuyer from Environmental Hazards

BY SAMANTHA P. MCDONALD AND KORRIN PETERSEN • MARCH 25, 2026

Homebuyers and their attorneys rarely perform robust environmental due diligence, including a Phase 1 Environmental Site Assessment, to identify recognized environmental conditions that might impact the property's use and buyer liability under the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, known as 21E for short. Homebuyers often assume the seller will make certain disclosures, like hazardous waste disposal at the property. However, in Massachusetts, the burden rests with the buyer, not seller, to ferret out environmental conditions and assess liability. In this *Banker & Tradesman* article, Samantha McDonald and Korrin Petersen explain why title searches won't always protect a homebuyer from environmental hazards. Here is an excerpt:

> Housing shortages compound the problem. A search is stressful; high prices, competition and variable interest rates create desperation and a power imbalance that gives the buyer substantially less leverage, making them even more likely to overlook even the most basic due diligence requirements.

Read the full article "Title Searches Won't Always Protect Your Homebuyer from Environmental Hazards" here.

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