

SENATE, No. 2662

[SIMILAR MATTER FILED DURING PAST SESSION
SEE NO. OF]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND EIGHT

AN ACT TO REQUIRE JUDICIAL FORECLOSURE

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to protect citizens of the Commonwealth involved in the mortgage foreclosure crisis, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. Chapter 244 is hereby amended by inserting after Section 1 the following

2 section:—

3 “SECTION 2: Foreclosure by Complaint: All foreclosures of residential mortgages on 1-

4 4 family owner-occupied property located in the commonwealth can only be initiated by

5 the filing of a foreclosure complaint in the Superior or Housing Court for the county in
6 which the property is located. A residential mortgagor may raise any and all available
7 defenses to the foreclosure and to the contract for the underlying mortgage loan, in law
8 and in equity. The court shall have the authority to modify the mortgage or grant any
9 other appropriate relief. Mortgagors shall have a right of redemption for six months after
10 the entry of judgment.