SENATE DOCKET, NO. 1546 FILED ON: 1/21/2011

SENATE . . . . . No. 676

The Commonwealth of Massachusetts

PRESENTED BY:

Sonia Chang-Diaz

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act to require judicial foreclosure..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Sonia Chang-Diaz	☐ *[District]* ☐
Cory Atkins	*14th Middlesex*
Denise Provost	*27th Middlesex*
James B. Eldridge	☐ *[District]* ☐
Thomas P. Kennedy	☐ *[District]* ☐

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SENATE . . . . . No. 676

By Ms. Chang-Diaz, a petition (accompanied by bill, Senate, No. 676) of Sonia Chang-Diaz, Cory Atkins, Denise Provost, James B. Eldridge and others for legislation to require judicial foreclosure. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *1613* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act to require judicial foreclosure..

Whereas, The deferred operation of this act would tend to defeat its purpose, which is 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
2 following section:–

3 Section 2: Foreclosure by Complaint: All foreclosures of residential mortgages
4 on 1-4 family owner-occupied property located in the commonwealth can only be initiated by the
5 filing of a foreclosure complaint in the Superior or Housing Court for the county in which the
6 property is located. A residential mortgagor may raise any and all available defenses to the
7 foreclosure and to the contract for the underlying mortgage loan, in law and in equity. The court
8 shall have the authority to modify the mortgage or grant any other appropriate relief.