

HOUSE No. 1682

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to mortgage foreclosure and active duty servicemembers..

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. Section 1 of Chapter 244 of the General Laws, as appearing in the 2002
2 Official Edition, is hereby amended by adding the following sentence:—

3 In an action for breach of a mortgage obligation filed during, or within 90 days after, a
4 servicemember’s active duty in the armed forces, the court may, after a hearing on its own
5 motion, and shall, upon application by a servicemember when the servicemember’s ability to
6 comply with the obligation is materially affected by active duty in the armed forces, stay the
7 proceedings for a period of time as justice and equity require, or adjust the obligation to preserve
8 the interest of all parties.

9 SECTION 2. Section 11 of Chapter 244 of the General Laws, as appearing in the 2002
10 Official Edition, is hereby amended by adding the following sentence:—

11 A sale, foreclosure, or seizure of property for a breach of an active duty
12 servicemember’s mortgage obligation shall not be valid if made during, or within 90 days after,
13 the servicemember’s active duty in the armed services except upon a court order granted before

14 such sale, foreclosure, or seizure with a return made and approved by the court, or if a waiver is
15 made pursuant to a written agreement of the parties that is executed during or after the
16 servicemember's period of active duty.

17 SECTION 3. A violation of section 2 of this Act shall constitute a violation of Chapter
18 93A.