

**HOUSE . . . . . No. 1729**

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Nine**  
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An Act to Amend the Foreclosure Statute to Require Judicial Foreclosure..

*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 the  
5 filing of a foreclosure complaint in the Superior Court for the county in which the property is  
6 located. A residential mortgagor may raise any and all available claims and 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. Mortgagors  
9 shall have a right of redemption for six months after the entry of judgment.