

HOUSE No. 3891

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to foreclosed property upkeep..

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

1 Chapter 244 of the General Laws is hereby amended by inserting after section 36 the
2 following section:-

3 Section 36A. Any person, financial institution or business entity acquiring a foreclosed
4 property under this chapter shall file with the city or town where the property is located a bond in
5 the amount of 25 per cent of the value of the property which shall be known as a Foreclosed
6 Property Upkeep Bond.

7 This shall not apply to any persons who purchased the property as a primary residence.
8 The Foreclosed Property Upkeep Bond shall be filed with the city or town clerk’s office at the
9 time the foreclosure deed is recorded.

10 No city or town clerk’s office may record any foreclosure deed that does not have such
11 Bond attached.

12 Any above described entity that purchases a foreclosed property and fails to maintain said
13 property will be issued notification by the city or town. If the deficiency is within 14 days of

14 notice by the city or town, the Bond will be forfeited to the city or town and the proceeds used to
15 correct the deficiencies. Any unused portion of the foreclosure bond shall be kept by the city or
16 town to insure future upkeep of the property. Once the full value of the Bond is used in the
17 upkeep of the foreclosed property the owner shall file another bond in the same amount within
18 10 days or have the property forfeited to the city or town under the same procedures governing
19 tax sales.

20 Failure to maintain a property includes but is limited to, permitting excessive foliage
21 growth that diminishes the value of surrounding properties, winterization of property, failing to
22 take action to prevent trespassers or squatters from remaining on the property, or failing to take
23 action to prevent mosquito larva from growing in standing water.