

SENATE No. 1613

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act 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 1. Chapter 244 is hereby amended by inserting after Section 1 the following section:–
2 “SECTION 2: Foreclosure by Complaint: All foreclosures of residential mortgages on 1-4 family
3 owner-occupied property located in the commonwealth can only be initiated by the filing of a
4 foreclosure complaint in the Superior or Housing Court for the county in which the property is
5 located. A residential mortgagor may raise any and all available defenses to the foreclosure and
6 to the contract for the underlying mortgage loan, in law and in equity. The court shall have the
7 authority to modify the mortgage or grant any other appropriate relief. Mortgagors shall have a
8 right of redemption for six months after the entry of judgment.