

HOUSE No. 1730

The Commonwealth of Massachusetts

PRESENTED BY:

Carlos González

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 adoption of the accompanying bill:

An Act establishing a foreclosure review division.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carlos González</i>	<i>10th Hampden</i>	<i>1/17/2025</i>

HOUSE No. 1730

By Representative González of Springfield, a petition (accompanied by bill, House, No. 1730) of Carlos González for legislation to create a foreclosure review division as a special division of the superior court department. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act establishing a foreclosure review division.

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. The General Laws, as appearing in the 2022 Official Edition, are hereby
2 amended by inserting after chapter 212 the following chapter:-

3 CHAPTER 212A

4 FORECLOSURE REVIEW DIVISION

5 Section 1. There shall be a special division of the superior court department, known as
6 the foreclosure review division.

7 Section 2. The foreclosure review division shall have a presiding justice and such other
8 justices as the chief justice of the trial court, in consultation with the chief justice of the superior
9 court department, shall assign from among those justices of the various departments of the trial
10 court with an interest in relevant areas of law.

11 Section 3. The chief justice of the trial court shall designate one of the judges of the
12 foreclosure review division as the presiding justice of that division.

13 Section 4. (a) The foreclosure review division shall be divided into not fewer than four
14 and not more than six sessions statewide, as determined by the chief justice of the trial court in
15 consultation with the chief justice of the superior court department and the presiding justice of
16 the division, based on factors including projected caseloads and on the convenience of litigants.

17 (b) Each session may hold its sittings in more than one location, as appropriate.

18 (c) The foreclosure review division shall provide online and other materials to assist self-
19 represented litigants and shall offer alternative dispute resolution services including referral to a
20 pre-foreclosure mediation program established by statute

21 Section 5. There shall be selected, as determined by the chief justice of the trial court in
22 consultation with the chief justice of the superior court department and the presiding justice of
23 the foreclosure review division, a court administrator, deputy court administrators if appropriate,
24 court clerks, clerks for the justices, facilitators for self-represented litigants, mediators, title
25 examiners, information technology personnel and any other personnel essential to the
26 expeditious establishment and efficient functioning of the foreclosure review division. All
27 employees who interact with litigants shall be certified neutrals.

28 Section 6. (a) Notwithstanding any general or special law to the contrary, the foreclosure
29 review division shall have jurisdiction, concurrently with the other divisions of the superior court
30 department and with the land court department, the housing court department and the district
31 court department, over all actions involving the foreclosure or purported foreclosure of
32 mortgages on residential property whether by action, by sale, by entry or otherwise, including,

33 but not limited to: actions that concern the validity of a foreclosure or purported foreclosure. Any
34 action where title has been brought in question in relation to foreclosure shall be transferred to
35 the foreclosure review division including but not limited to: summary process actions to evict;
36 actions to try title, to quiet title including section 12 and 13 of Chapter 244 and to remove cloud
37 on title; petitions brought under Chapter 185 regarding registered title to such property; actions
38 that concern the intent to foreclose or otherwise to exercise a power of sale; actions that concern
39 modification of a mortgage loan; and criminal jurisdiction in matters arising out of or pertaining
40 to foreclosure or attempted foreclosure.

41 (b) The foreclosure review division shall promptly transmit for recordation or
42 registration, to the registry of deeds of the county or district in which the land lies, a copy of any
43 final determination affecting title to land. Fee for such recordation or registration shall be waived
44 for the losing party to the extent allowable under the Indigent Court Costs Laws.

45 (c) Any party to a civil action within the jurisdiction of the foreclosure review division
46 that is pending in another court department or another division of the superior court department,
47 or a judge of the court department or division in which the action is pending, acting on their own
48 initiative, may remove or transfer that action to the foreclosure review division. No additional
49 filing fee shall be charged to remove or transfer such a case. An action transferred to the
50 foreclosure review division shall thereafter proceed in that division as though originally entered
51 there

52 (d) In a civil action in which another court has dismissed a claim for lack of jurisdiction
53 or denied a claim that is within the jurisdiction of the foreclosure review division, a party shall
54 have thirty (30) days after the date of receipt of the notice of dismissal or, in the case of an

55 appeal from the dismissal, thirty (30) days after the date of receipt of the notice of the decision,
56 to remove the case into the foreclosure review division, regardless of whether the time permitted
57 under the applicable statute of limitations would have expired at any time from the original
58 commencement of that action to the end of this thirty (30) day period.

59 (e) Any document informing a litigant or his or her attorney of such a dismissal or denial
60 shall include complete information about the right to remove the case into the foreclosure review
61 division, together with instructions for doing so.

62 Section 7. The chief justice of the trial court, in consultation with the chief justice of the
63 superior court department and the presiding justice of the foreclosure review division, may from
64 time to time make alternative or supplemental rules, standing orders and forms of procedure to
65 govern proceedings in that division.

66 Section 8. (a) There shall be an advisory board to assist the presiding justice and the
67 justices of the foreclosure review division and the division's court administrator.

68 (b) The advisory board shall consist of the Attorney General or a designee; the executive
69 director of the Massachusetts office of victim assistance; a representative designated by the
70 Massachusetts Alliance Against Predatory Lending and the following additional members
71 appointed by the Chief Justice of the Supreme Judicial Court: one person who has significant
72 experience in each of the following areas: court or business administration; information
73 technology, in particular, in designing systems to assist members of the public to use information
74 technology effectively; promoting judicial economy by assisting self represented litigants in
75 presenting their cases effectively; mediation programs on complex topics, particularly those
76 involving cases in which self represented and sophisticated parties have adverse interests; real

77 estate title examination in the commonwealth; and at least four lawyers with significant
78 experience in various relevant areas of law and litigation, including, access to justice including
79 for indigent litigants and English as a second language speakers and banking, bankruptcy, civil
80 rights, the Americans with Disabilities Act, consumer rights, criminal law, landlord-tenant, real
81 property, secured transactions and securities and securitized trust law. At least two of the four
82 lawyers will have primarily represented homeowners in preserving their homes from foreclosure
83 or will have represented consumers.

84 (c) The advisory board shall choose its chair. The appointed members of that board shall
85 each serve for a term of three years or for the remainder of the term of the foreclosure review
86 division, whichever is less.

87 (d) The board shall advise the presiding justice and the justices of the foreclosure review
88 division and the division's court administrator on matters of judicial and administrative concern
89 including, but not limited to, developments in relevant legal issues, real estate title examination,
90 mediation, assisting self-represented litigants, access to justice, the impacts of structural
91 discrimination and the allocation of resources based on the caseload of each of the division's
92 courts.

93 Section 9. This chapter shall be in force for a period of five years commencing
94 immediately upon enactment and shall apply to all cases within the jurisdiction of the foreclosure
95 review division, whether pending in one or more departments of the trial court as of the date of
96 enactment or commenced after that date.

97 SECTION 2. Chapter 212A of the General Laws shall renew for an additional five year
98 term on January 1st of the fifth year after the effective date of this Act and every five years
99 thereafter unless the legislature repeals this law prior to its next renewal date.

100 SECTION 3. Any cases pending in the foreclosure review division at the conclusion of
101 its final term shall be transferred to the appropriate court.

102 SECTION 4. Section 3 shall take effect upon January 1st of the year after the year in
103 which the legislature votes not to renew the foreclosure court division as authorized by section 1
104 of chapter 212A of the General Laws