

**SENATE . . . . . No. 1613**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Sonia Chang-Díaz**

*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 passage of the accompanying bill:

**An Act to require judicial foreclosure.**

PETITION OF:

NAME:

Sonia Chang-Díaz

Marc R. Pacheco

DISTRICT/ADDRESS:

Second Suffolk

First Plymouth and Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S02662 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT TO REQUIRE JUDICIAL FORECLOSURE.

1           *Whereas*, The deferred operation of this act would tend to defeat its purpose, which is  
2   forthwith to protect citizens of the Commonwealth involved in the mortgage foreclosure crisis,  
3   therefore it is hereby declared to be an emergency law, necessary for the immediate preservation  
4   of the public convenience.

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

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