

**HOUSE . . . . . No. 1682**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**John F. Quinn**

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*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 relative to mortgage foreclosure and active duty servicemembers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John F. Quinn	9th Bristol
Stephen R. Canessa	12th Bristol
Richard J. Ross	9th Norfolk
Steven J. D'Amico	4th Bristol
Paul McMurtry	11th Norfolk
Denise Provost	27th Middlesex
Bruce E. Tarr	First Essex and Middlesex
James B. Eldridge	Middlesex and Worcester

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1693 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT RELATIVE TO MORTGAGE FORECLOSURE AND ACTIVE DUTY SERVICEMEMBERS.

*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. Section 1 of Chapter 244 of the General Laws, as appearing in the 2002 Official Edition, is hereby  
2 amended by adding the following sentence:—  
3 In an action for breach of a mortgage obligation filed during, or within 90 days after, a servicemember's active duty  
4 in the armed forces, the court may, after a hearing on its own motion, and shall, upon application by a  
5 servicemember when the servicemember's ability to comply with the obligation is materially affected by active duty  
6 in the armed forces, stay the proceedings for a period of time as justice and equity require, or adjust the obligation to  
7 preserve the interest of all parties.
- 8 SECTION 2. Section 11 of Chapter 244 of the General Laws, as appearing in the 2002 Official Edition, is hereby  
9 amended by adding the following sentence:—  
10 A sale, foreclosure, or seizure of property for a breach of an active duty servicemember's mortgage  
11 obligation shall not be valid if made during, or within 90 days after, the servicemember's active duty in the armed  
12 services except upon a court order granted before such sale, foreclosure, or seizure with a return made and approved  
13 by the court, or if a waiver is made pursuant to a written agreement of the parties that is executed during or after the  
14 servicemember's period of active duty.
- 15 SECTION 3. A violation of section 2 of this Act shall constitute a violation of Chapter 93A.