

HOUSE No. 3891

The Commonwealth of Massachusetts

PRESENTED BY:

Jennifer M. Callahan

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 foreclosed property upkeep.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jennifer M. Callahan	18th Worcester
William Lantigua	16th Essex

The Commonwealth of Massachusetts

In the Year Two Thousand and 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 following section:-

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

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

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

9 Any above described entity that purchases a foreclosed property and fails to maintain said property will
10 be issued notification by the city or town. If the deficiency is within 14 days of notice by the city or
11 town, the Bond will be forfeited to the city or town and the proceeds used to correct the deficiencies. Any
12 unused portion of the foreclosure bond shall be kept by the city or town to insure future upkeep of the
13 property. Once the full value of the Bond is used in the upkeep of the foreclosed property the owner shall
14 file another bond in the same amount within 10 days or have the property forfeited to the city or town
15 under the same procedures governing tax sales.

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