

HOUSE No. 00493

The Commonwealth of Massachusetts

PRESENTED BY:

Jeffrey Sánchez

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 prevent unnecessary vacancies in foreclosed homes.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Jeffrey Sánchez</i>	<i>15th Suffolk</i>
<i>Ruth B. Balser</i>	<i>12th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>John J. Binienda</i>	<i>17th Worcester</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>
<i>William N. Brownsberger</i>	<i>24th Middlesex</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Linda Dorcena Forry</i>	<i>12th Suffolk</i>
<i>Gloria L. Fox</i>	<i>7th Suffolk</i>
<i>John P. Fresolo</i>	<i>16th Worcester</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>

Benjamin Swan

11th Hampden

Chris Walsh

6th Middlesex

Alice K. Wolf

25th Middlesex

HOUSE No. 00493

By Mr. Jeffrey Sánchez of Boston, petition (accompanied by bill, House, No. 00493) of Alice K. Wolf and others relative to occupants remaining in residences after the sale of foreclosed properties. Joint Committee on the Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to prevent unnecessary vacancies in foreclosed homes.

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

- 1 An Act to prevent unnecessary vacancies in foreclosed homes
- 2 SECTION 1. Chapter 244 of the Massachusetts General Laws is hereby amended by inserting
- 3 after Section 14A the following new section:-
- 4 Section 14B: Occupant Remaining in Possession after Sale
- 5 If at the time of a sale of residential real property conducted in accordance with a power in a
- 6 mortgage and with Section 14 of this chapter the mortgagor continues to occupy such property in
- 7 whole or in part, and if the purchaser at such sale is the mortgagee or other person exercising the
- 8 power of sale or a subsidiary, parent, trustee, or agent of such mortgagee or person or if the
- 9 purchaser at such sale is any other entity that engages in mortgage lending or servicing or if the
- 10 purchaser at such sale is the Federal National Mortgage Association or the Federal Home Loan
- 11 Mortgage Corporation or the Federal Deposit Insurance Corporation, the mortgagor, and any

12 household members, shall be permitted to remain until binding purchase and sale agreement has
13 been executed for a bona fide purchaser who intends to occupy the housing accommodation as
14 such purchaser's primary residence and who is not a foreclosing owner, where such agreement
15 requires the housing accommodation or some portion thereof to be conveyed vacant, the
16 foreclosure sale purchaser may initiate eviction proceedings against the mortgagor pursuant to
17 the provisions of Chapter 239 of the General Laws.in possession of the property during the time
18 the property is owned by the purchaser, provided the mortgagor

19 (1) makes monthly rent payments to the purchaser in an amount agreed to by the mortgagor and
20 purchaser or, in the absence of such agreement, an amount equal to the Fair Market Rent as
21 established by the United States Department of Housing and Urban Development pursuant to 42
22 U.S.C. c § 1437f(o), as it exists or may be amended, for a unit of comparable size in the area in
23 which the property is located;

24 (2) does not commit a nuisance in the property or cause substantial damage to the property or
25 create a substantial interference with the quiet enjoyment of other occupants of the property;

26 (3) does not use or permit the property to be used for any illegal purpose; and

27 (4) does not refuse the purchaser reasonable access to the property for the purpose of making
28 necessary repairs or improvement required by the laws of the United States, the commonwealth
29 or any subdivision thereof, or for the purpose of inspection as permitted or required by
30 agreement or by law or for the purpose of showing the unit to a prospective purchaser or
31 mortgagee provided.

32 If the mortgagor remaining in possession after sale fails to comply with the conditions set forth
33 in this section or if a binding purchase and sale agreement has been executed for a bona fide third

34 party to purchase the property from the foreclosure sale purchaser, the foreclosure sale purchaser
35 may initiate eviction proceedings against the mortgagor pursuant to the provisions of Chapter
36 239 of the General Laws.