

SENATE No. 2802

Senate, May 23, 2024 -- Text of amendment (802) (offered by Senator Montigny) to the Ways and Means amendment (Senate, No. 4) to the House Bill making appropriations for the fiscal year 2025 for the maintenance of the departments, boards, commissions, institutions, and certain activities of the Commonwealth, for interest, sinking fund, and serial bond requirements, and for certain permanent improvements.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

1 by inserting after section 44 the following 20 sections:-

2 “SECTION 44A. Section 1 of chapter 60 of the General Laws, as so appearing, is hereby
3 amended by inserting after the definition of “Collector” the following 2 definitions:-

4 “Excess equity”, any remaining surplus amount above the taxes, interest, fees and
5 charges of keeping, as reflected in the tax title account balance as of the date of the foreclosure
6 judgment, and the fees, expenses, charges and costs actually and reasonably incurred in selling or
7 appraising the property in accordance with section 64A following a final judgment of
8 foreclosure; provided, however, that where the property is sold in accordance with said section
9 64A, the excess equity shall be determined by deducting from the gross sale proceeds: (i) the tax
10 title balance as of the date of the foreclosure judgment; (ii) any unpaid property tax, assessments
11 for unpaid water and sewer charges, property insurance and homeowners association or
12 condominium fees accruing from the date of foreclosure; and (iii) any documented, post-
13 judgment costs incurred by the judgment holder from the sale of the property, including, but not
14 limited to, broker or real estate agent fees or commissions, listing fees, marketing and advertising

15 costs, legal fees, litigation fees and costs, closing costs, transfer fees, auctioneer fees, notice to
16 property owner, appraisal fees, publication costs, property management, emergency demolition,
17 environmental fees and other fees, charges, or costs directly or indirectly related to the
18 maintenance, marketing and sale of the property; provided further, that where the property is
19 retained by the judgment holder in accordance with said section 64A, the excess equity shall be
20 determined by deducting the tax title account balance as of the date of the foreclosure judgment
21 and any documented post-judgment costs of appraisal incurred by the judgment holder from the
22 appraised highest and best use value of the property as of the date of the final judgment of
23 foreclosure.

24 “Language understandable by a least sophisticated consumer”, language that complies
25 with the standard for evaluating truth and deception under the federal Fair Debt Collection
26 Practices Act, 15 U.S.C. section 1692 et seq., as summarized in *Jeter v. Credit Bureau, Inc.*, 760
27 F.2d 1168 (11th Cir. 1985).

28 SECTION 44B. Subsection (c) of section 2C of said chapter 60, as so appearing, is
29 hereby amended by striking out paragraph (9) and inserting in place thereof the following
30 paragraph:-

31 (9) A purchaser owning any tax receivable shall give notice to a taxpayer, and to the
32 appropriate municipality, within 12 business days of purchasing said tax receivable. The notice
33 shall include the name, address, telephone number and preferred method of communication with
34 said purchaser and any service agent acting on behalf of said purchaser. If the purchaser or the
35 service agent of such tax receivables shall change, the new purchaser or service agent shall
36 provide the notice required herein within 12 business days of the effective date of such change.

37 Where the land is Class one, residential property, as defined in section 2A of chapter 59, such
38 notice shall: (i) be mailed and addressed to the taxpayer at their last known residence and usual
39 place of abode or place of business; (ii) be posted upon the class one, residential property; (iii) be
40 posted in a convenient and public place; and (iv) include a uniform notice prepared by the
41 commissioner of revenue, in language understandable by a least sophisticated consumer, together
42 with a notice in the 7 most commonly spoken languages in the commonwealth that the notice
43 affects important legal rights and should be translated immediately. The notice shall state:

44 (i) that a complaint to foreclose the tax title may be filed on or after a specific date;

45 (ii) that the tax title has been sold to a purchaser of tax receivables;

46 (iii) why the property was taken and that the owner may redeem the property up until the
47 property is foreclosed by a judgment issued on a proceeding before the land court;

48 (iv) the components of the amount as of the date of the notice, subject to accumulating
49 taxes, fees and charges, required to redeem the property and the procedure for redemption;

50 (v) that if a complaint to foreclose the tax title is filed and the owner does not respond by
51 filing an answer, the court may enter an order defaulting the owner;

52 (vi) that if a complaint to foreclose the tax title is filed, the owner may respond by filing
53 an answer that requests that the court set the terms by which the owner may redeem the property;

54 (vii) that if the property is not redeemed, the purchaser is entitled to receive a judgment
55 from the land court that transfers title to the property to the town or purchaser and permanently
56 eliminates any title rights the owner has in the property; and

57 (viii) that following a foreclosure of the property, the former owner shall be entitled to
58 any excess equity in the property, upon written request to the municipality or purchaser of tax
59 receivables, pursuant to section 64A.

60 SECTION 44C. Said chapter 60 is hereby further amended by striking out section 16, as
61 so appearing, and inserting in place thereof the following section:-

62 Section 16. The collector shall, before selling the land of a resident or non-resident or
63 distraining the goods of any person, serve on him a statement of the amount thereof with a
64 demand for its payment. If 2 or more parcels of land are assessed in the name of a resident, or
65 non-resident, the statement of the aggregate amount of the taxes thereon may be made in 1
66 demand. Such demand may also include taxes due on account of tangible personal property and
67 any motor vehicle excise tax. If the heirs of a deceased person, co-partners or 2 or more persons
68 are jointly assessed, service shall be required for only 1 of the persons. Such demand for the tax
69 upon land may be made upon the person occupying the same on January first of the year in
70 which the tax is assessed. No demand shall be required to be made on a mortgagee, unless the
71 mortgagee has given notice under section 38, in which case no demand shall be required to be
72 made on the owner or occupant. Demand shall be made by the collector by mailing the same to
73 the taxpayer at taxpayer's last known residence and usual place of abode or place of business or
74 to the address best known by the collector; provided, however, that failure to receive the demand
75 notice shall not invalidate a tax or any proceedings for the enforcement or collection of the same;
76 provided further, that if the land is class one, residential property, as defined in section 2A of
77 chapter 59, the demand shall include a uniform notice prepared by the department of revenue, in
78 language understandable by a least sophisticated consumer, together with a notice in the 7 most
79 commonly spoken languages in the commonwealth that this notice affects important legal rights

80 and should be translated immediately, and providing clear notice that the non-payment of
81 property taxes can result in the taking of the property and that the property owner may be eligible
82 for exemptions, abatements and tax deferrals and other assistance and should contact the local
83 assessor's office, together with the address, telephone number, email address, if available, and
84 internet address for further information.

85 SECTION 44D. Section 25 of said chapter 60, as so appearing, is hereby amended by
86 adding the following sentence:- The notice posted shall be prepared by the department of
87 revenue, in language understandable by a least sophisticated consumer, together with a notice in
88 the 7 most commonly spoken languages in the commonwealth that this notice affects important
89 legal rights and should be translated immediately.

90 SECTION 44E. Section 52 of said chapter 60, as so appearing, is hereby amended by
91 inserting after the third sentence the following 2 sentences:- Where the land is class one,
92 residential property, as defined in section 2A of chapter 59, such notice shall: (i) be mailed by
93 and addressed to the taxpayer at their last known residence and usual place of abode or place of
94 business; (ii) be posted upon the class one, residential property; (iii) be posted in a convenient
95 and public place; and (iv) include a uniform notice prepared by the department of revenue, in
96 language understandable by a least sophisticated consumer, together with a notice in the 7 most
97 commonly spoken languages in the commonwealth, that this notice affects important legal rights
98 and should be translated immediately. The notice shall state that the treasurer intends to sell the
99 tax title to the owner's property, that the non-payment of property taxes may result in the loss of
100 the property and that the property owner may be eligible for exemptions, abatements and tax
101 deferrals and other assistance and may contact the local assessor's office for further information,

102 together with the telephone number, email address, if available and internet address for the local
103 assessor.

104 SECTION 44F. Section 53 of said chapter 60, as so appearing, is hereby amended by
105 striking out, in line 4, the words “, which notice”, and inserting in place thereof the following
106 words:- “; provided, however, that where the land is class one, residential property, as defined in
107 section 2A of chapter 59, such notice shall: (i) be mailed by and addressed to the taxpayer at
108 their last known residence and usual place of abode or place of business; (ii) be posted upon the
109 class one, residential property; and (iii) be published on the town or city website; provided
110 further, that for any properties not class one, residential the notice”.

111 SECTION 44G. Said section 53 of said chapter 60, as so appearing, is hereby further
112 amended by adding the following sentence:- A notice provided pursuant to this section shall be
113 prepared by the department of revenue, in language understandable by a least sophisticated
114 consumer, together with a notice in the 7 most commonly spoken languages in the
115 commonwealth, that this notice affects important legal rights and should be translated
116 immediately.

117 SECTION 44H. Said section 53 of said chapter 60, as so appearing, is hereby further
118 amended by adding the following paragraph:-

119 Where the land is class one, residential property, as defined in section 2A of chapter 59,
120 all notices sent pursuant to this section shall include a uniform notice prepared by the department
121 of revenue, together with a notice in the 7 most common languages in the commonwealth that
122 this notice affects important legal rights and should be translated immediately. Such notice shall
123 state in language understandable by a least sophisticated consumer:

- 124 (i) what taxes or other municipal costs remain unpaid;
- 125 (ii) the taxpayer's right to redeem full ownership of the property and the components of
126 the amount required to redeem the property;
- 127 (iii) that a complaint to foreclose the tax title may be filed on or after a specific date;
- 128 (iv) that the tax title may be sold to a purchaser of tax receivables;
- 129 (v) that if a complaint to foreclose the tax title is filed and the owner does not respond by
130 filing an answer, the court may enter an order defaulting the owner;
- 131 (vi) that if a complaint to foreclose the tax title is filed, the owner may respond by filing
132 an answer that requests that the court set the terms by which the owner may redeem the property;
- 133 (vii) that if the property is not redeemed, the town or purchaser is entitled to receive a
134 judgment from the land court that transfers title of the property to the town or purchaser and
135 permanently eliminates any title rights the owner has in the property; and
- 136 (viii) that following a foreclosure of the property, the former owner shall be entitled to
137 any excess equity in the property, upon written request to the municipality or purchaser of tax
138 receivables, pursuant to section 64A.

139 SECTION 44I. Section 62 of said chapter 60, as so appearing, is hereby amended by
140 striking out, in line 8, the word "sixteen" and inserting in place thereof the following figure:- 8.

141 SECTION 44J. Section 62A of said chapter 60, as so appearing, is hereby amended by
142 striking out, in line 4, the figure, "5" and inserting in place thereof the following figure:- 10.

143 SECTION 44K. Said section 62A of said chapter 60, as so appearing, is hereby further
144 amended by striking, in lines 5 and 6, the words “not more than 50 per cent of”.

145 SECTION 44L. Said section 62A of said chapter 60, as so appearing, is hereby further
146 amended by striking out in in line 12, the figure “25” and inserting in place thereof the following
147 figure:- 10.

148 SECTION 44M. Said chapter 60 is hereby further amended by striking out section 64, as
149 so appearing, and inserting in place thereof the following section:-

150 Section 64. The land court shall have exclusive jurisdiction of the foreclosure of all rights
151 of redemption from titles conveyed by a tax collector's deed or a taking of land for taxes, in a
152 proceeding provided for in sections 65 to 75, inclusive. The title conveyed by a tax collector's
153 deed or by a taking of land for taxes shall be absolute after foreclosure of the right of redemption
154 by judgment of the land court as provided in this chapter; provided, however, that the entry by
155 the land court of a judgment of foreclosure of the right of redemption shall not impair or limit the
156 right of the owner of the land at the time of foreclosure, and of those holding an interest in the
157 land at the time of foreclosure and their heirs, successors and assigns, to receive any excess
158 equity, as defined in this chapter, and subject to the requirements of section 64A. Any sale or
159 retention of property by a municipality or other foreclosing entity pursuant to this chapter shall
160 be subject to the requirements of section 64A.

161 SECTION 44N. Said chapter 60, is hereby further amended by inserting after section 64
162 the following section:-

163 Section 64A.

164 Section 64A. (a) This section shall apply to the sale or retention of property by a
165 municipality or a purchaser of tax receivables following a final judgment of the land court
166 foreclosing the right of redemption under this chapter. Not more than 14 days after the of entry
167 of judgment foreclosing the right of redemption becomes final, with either no appeal having been
168 taken within the applicable time limit or any appeal taken having resulted in the entry of
169 judgment pursuant to the rescript of the supreme judicial court or appeals court, the judgment
170 holder shall elect to: (i) retain possession of the property; or (ii) sell the property. The judgment
171 holder shall notify the former owners of the property and all others known to hold the right of
172 redemption in the property at the time judgment is entered, by certified mail, to their last known
173 address or place of business, of: (i) the judgment holder's election; and (ii) the rights and
174 procedures for claiming excess equity set forth in this section.

175 (b)(1) A municipality or a purchaser of tax receivables that has elected to retain the
176 property under subsection (a), shall use reasonable best efforts to have the property appraised not
177 later than 120 days after the final judgment of the land court; provided, however, that the
178 judgment holder and any parties entitled to claim excess equity under this section may agree to a
179 later date for the appraisal. The appraisal shall be: (i) for the highest and best use of the property
180 as of the date of the final judgment of foreclosure; and (ii) conducted by an independent
181 appraiser licensed in the commonwealth with the usual and customary professional appraisal
182 practices.

183 (2) The appraised value shall be used to establish the amount of excess equity, which.
184 shall be paid to any parties who make a valid claim for excess equity as set forth in this section.

185 (c) (1) A municipality or a purchaser of tax receivables that has elected to sell the
186 property under subsection (a) shall, not later than 180 days after the final judgment of the land
187 court, list the property for sale with a real estate agent or broker licensed in the commonwealth;
188 provided, however, that the judgment holder and any parties entitled to claim excess equity under
189 this section may agree to a later date for sale; provided further, that the real estate agent or broker
190 shall not hold elected or appointed office or be employed by the municipality in which the
191 property is located.

192 (2) The judgment holder for a property listed for sale pursuant to paragraph (1) that does
193 not sell within 12 months of the date of listing shall: (i) auction the property with an auctioneer
194 licensed in the commonwealth; provided, however, that the auctioneer does not hold elected or
195 appointed office or is not employed by the municipality in which the property is located; (ii)
196 accept bids that are not less than two-thirds of the appraised value of the property consistent with
197 the appraisal requirements of subsection (b); and (iii) not accept bids by individuals that hold
198 elected or appointed office or are employed by the municipality in which the property is located.

199 (3) A property shall not be considered retained by a judgment holder that has elected
200 under subsection (a) to sell the property and has complied with the requirements of paragraph (2)
201 but has been without success in such sale. If a property has not been sold after the auction, the
202 judgment holder shall notify any parties entitled to claim excess equity of their intention to
203 continue the sale to another date and not to retain the property. Such notice shall be mailed, by
204 certified mail, to any parties entitled to claim excess equity, or their successors in interest, to
205 their last known address or place of business.

206 (d)(1) Upon a sale of a property or an appraisal of property where the judgment holder
207 has elected to retain possession, the judgment holder shall prepare a written itemized accounting
208 setting forth the disposition of the proceeds arising from the sale or a report of the appraisal,
209 including, but not limited to, the sale price, legal fees, marketing fees, auctioneer fees,
210 advertising costs, appraisal fees and any excess equity due to any parties entitled to claim excess
211 equity, or their successors in interest. The written itemized accounting shall be mailed, by
212 certified mail, to their last known address or place of business, not more than 30 days after the
213 sale of the property or receipt of the appraisal of the property if such property is retained.

214 (2) Where the judgment holder knows the identity and mailing address of the former
215 property owner and all others known to hold the right of redemption in the property, the
216 judgment holder shall, in addition to the written itemized accounting, provide for the provision of
217 a proportional share of the excess equity to which such individual is entitled.

218 (3) A judgment holder that does not know the identity and mailing address of the former
219 property owner and all others known to hold the right of redemption in the property shall, in
220 addition to the written itemized accounting, provide a notice that the former owners of the
221 property and all others known to hold the right of redemption in the property at the time
222 judgment of foreclosure entered in the land court, or their successors in interest, may claim
223 excess equity from the sale or retention of the property and that such claims shall be submitted in
224 writing to the judgment holder not more than 18 months after the date of the notice. The excess
225 equity claim shall be delivered to the judgment holder by personal service, receipt of which is
226 acknowledged by the judgment holder, or by certified mail, return receipt requested; provided,
227 however, that a municipality shall allow a claimant to submit a claim at the local collector's
228 office. The excess equity claim shall contain the claimant's name, telephone number, mailing

229 address, the property address or parcel number and a description of their interest in the property
230 and shall include any other persons or entities known to the claimant to have an interest in the
231 property at the time of the final judgment of foreclosure, including any other former owners,
232 mortgagees, lienholders, heirs or other individuals or entities who held a right to redeem or their
233 successors in interests.

234 (e) Excess equity shall be held in escrow by the judgment holder in a segregated interest-
235 bearing account, in which all excess equity funds from all foreclosures are deposited and
236 separately accounted for on the books and records of the municipality. Excess equity that has not
237 been claimed within 19 months of a sale or appraisal of a property shall be disposed of pursuant
238 to chapter 200A.

239 (f) The superior court shall have jurisdiction to hear any disputes that arise between or
240 among the judgment holder and any former owners, mortgagees, lienholders, heirs or other
241 individuals or entities who, at the time of the final judgment of the land court, held an interest in
242 the property and right to redeem, or their successors in interest, and who are claiming excess
243 equity, including, but not limited to, disputes regarding the valuation of the property, the sale
244 process, the amount of excess equity, its distribution or any other aspect of this section. Any
245 party may seek a determination of the dispute by filing a written complaint in the superior court
246 not more than 12 months after the date of the notice of written itemized accounting following
247 sale or appraisal of the property under subsection (d). Such complaint shall name all parties
248 adversely interested who are known to the plaintiff and process shall issue and service be made
249 consistent with the Massachusetts Rules of Civil Procedure. All matters pertaining to the
250 litigation shall be heard by the superior court department and the parties shall be granted the right

251 to a trial before a jury, unless all parties waive that right and file a written agreement requesting a
252 trial without a jury.

253 SECTION 44O. Section 65 of said chapter 60, as so appearing, is hereby amended by
254 striking out, in line 4, the word “six” and inserting in place the following figure:- 12.

255 SECTION 44P. Said chapter 60 is hereby further amended by striking out section 69A, as
256 appearing in the 2022 Official Edition, and inserting in place thereof the following section:-

257 Section 69A. The land court may grant a motion to vacate a decree of foreclosure brought
258 by any interested person other than the petitioner under section 65 within 1 year after the final
259 entry of the decree if presented with extraordinary circumstances and if: (i) no innocent
260 purchaser has acquired an interest in the property for value; or (ii) no claim for excess equity has
261 been paid pursuant to section 64A, unless the court makes appropriate equitable orders to protect
262 the rights of the purchaser of the property or the payor of the excess equity. If the foreclosure
263 petition was filed for an unoccupied or abandoned building as set forth in sections 1 and 81A, or
264 there has been a certification pursuant to section 81B that the redemption amount as determined
265 pursuant to section 62 exceeds the assessed value of the parcel, no petition to vacate a decree of
266 foreclosure entered under section 69 and no proceedings at law or equity for reversing or
267 modifying such a decree shall be commenced by any person other than the petitioner except
268 within 90 calendar days after the final entry of the decree or within 1 year of the final entry of the
269 decree, if the decree was entered prior to the effective date of this section. For any decree
270 relating to a property for which record title stands in the name of a deceased person or person
271 under guardianship or conservatorship, a petition may be maintained for reversal or modification
272 of such decree up to 1 year from the date of decree.

273 No motion to vacate a decree of foreclosure and no proceeding at law or in equity for
274 reversing or modifying such a decree shall be commenced by any person other than the petitioner
275 under section 65 after 1 year, except upon a showing that the moving party's due process rights
276 have been violated.

277 If a decree of foreclosure is vacated pursuant to this section, all rights and obligations set
278 forth in section 64A shall be suspended and any proceedings instituted in the superior court
279 regarding excess equity shall be dismissed.

280 SECTION 44Q. Section 75 of said chapter 60, as so appearing, is hereby amended by
281 adding the following sentence:- The notices shall be prepared by the department of revenue, in
282 language understandable by a least sophisticated consumer, together with a notice in the 7 most
283 commonly spoken languages in the commonwealth, that this notice affects important legal rights
284 and should be translated immediately.

285 SECTION 44R. The second paragraph of section 77B of said chapter 60, as so appearing,
286 is hereby amended by inserting after the second sentence the following sentence:- The notice
287 shall also include the affirmative statement that the custodian will, following a completed sale,
288 provide to such owner a written notice containing an itemized accounting of the disposition of
289 the proceeds arising from the sale, including the sale price, legal fees, auctioneer fees and
290 advertising costs, other fees and any excess equity due to the owner, within 30 days after the
291 receipt of such funds.

292 SECTION 44S. Said section 77B of said chapter 60, as so appearing, is hereby further
293 amended by inserting after the word "law", in line 36, the following words:- , so long as the
294 accounting provisions of this section and section 64A are satisfied.

295 SECTION 44T. Said section 77B of said chapter 60, as so appearing, is hereby further
296 amended by striking out the fourth paragraph.”; and

297 by inserting after section 107 the following 3 sections:-

298 “SECTION 107A. There shall be a special commission to conduct a comprehensive study
299 relative to current law and practice around the collection of delinquent property tax revenue by
300 cities and towns in the commonwealth.

301 The commission shall consist of: the chairs of the joint committee on revenue or their
302 designees, who shall serve as co-chairs; the commissioner of revenue or a designee; the chief
303 justice of the land court department or a designee; the chief justice of the superior court
304 department or a designee; 1 member who shall be appointed by the senate president; 1 member
305 who shall be appointed by the speaker of the house of representatives; 1 member who shall be
306 appointed by the minority leader of the house of representatives; 1 member who shall be
307 appointed by the minority leader of the senate; 1 member who shall be appointed by the
308 governor; the attorney general, or a designee; the executive director of the Massachusetts
309 Municipal Association Inc.; the president of the Massachusetts Collectors’ and Treasurers’
310 Association, Inc; a representative of third-party purchasers of tax-receivables; and a
311 representative on property owners’ rights.

312 The commission shall file a report that shall include, but not be limited to:

313 (i) an examination and assessment of the current local property tax collection processes,
314 including property owner notification and communication, property tax deferral options or
315 exemptions that exist for special classes, third-party investor and any subsequent foreclosure
316 proceedings;

- 317 (ii) an examination of the role of purchasers of tax receivables, including third-party
318 purchasers of tax receivables, on the collection of delinquent property tax revenue, and any
319 recommended changes to said practice;
- 320 (iii) recommended changes to the current statutory interest rate for delinquent property
321 taxes, if any, and the effect said changes would have on municipal operations and finances;
- 322 (iv) an examination of the revenue impact on cities and towns from former owners
323 seeking to recover lost equity to which they may be entitled following the United States Supreme
324 Court ruling in Tyler v. Hennepin County, 598 U.S. 631 (2023);
- 325 (v) recommended changes to the statute of limitations for such claims, if any;
- 326 (vi) the feasibility of a neutral third-party, including special masters and arbitrators, to
327 oversee the determination of excess equity;
- 328 (vii) recommendations to implement additional reforms to municipal payment
329 agreements under to section 62A of chapter 60 of the General Laws for seniors and individuals
330 whose primary income source is disability benefits;
- 331 (viii) the collection and analysis of data which may include the number of foreclosures of
332 properties following a tax taking which resulted in the loss of excess equity by former property
333 owners for the 3 years preceding the United States Supreme Court ruling in Tyler v. Hennepin
334 County, 598 U.S. 631 (2023);
- 335 (ix) best practices in place in other states; and
- 336 (x) Any other recommendations that the commission finds to be in the interest of property
337 owners and municipalities in the commonwealth.

338 The commission shall file its final report and its recommendations for legislation with the
339 clerks of the senate and house of representatives, the joint committee on revenue, and the senate
340 and house committee on ways and means not later than December 31, 2025

341 SECTION 107B. To uphold the language access and inclusion notice requirements,
342 pursuant to sections 44B to 44D, inclusive, and sections 44G, 44H, 44N and 44Q the department
343 of revenue shall evaluate every 10 years the 7 most commonly spoken languages of the
344 commonwealth utilizing the most recent data from the decennial federal census. The department
345 shall update and prepare notices in language understandable by a least sophisticated consumer
346 and the 7 most commonly spoken languages in the commonwealth, as established by the most
347 recent census data.

348 SECTION 107C. A former owner or other previous holder of the right of redemption of
349 property or their successors in interest, whose right of redemption was foreclosed upon by a final
350 judgment of foreclosure entered on or after May 25, 2021, but before the date of the passage of
351 this act, may file a written complaint in the superior court for the return of excess equity in
352 accordance with section 64A of chapter 60 of the General Laws within 12 months of the passage
353 of this act; provided, however, that no claim for the return of excess equity may be asserted by
354 any party where a land court judgment of foreclosure was entered, and not appealed, on or before
355 May 24, 2021.”; and

356 by inserting after section 104 the following section:-

357 “SECTION 109A. Sections 44A to 44S, inclusive, shall take effect as of November 1,
358 2024.”.