

**SENATE . . . . . No. 00676**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Sonia Chang-Diaz*

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:	DISTRICT/ADDRESS:
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Thomas P. Kennedy</i>	<i>Second Plymouth and Bristol</i>

# SENATE . . . . . No. 00676

By Ms. Chang-Diaz, petition (accompanied by bill, Senate, No. 676) of Eldridge, Provost, Atkins and other members of the General Court for legislation to require judicial foreclosure [Joint Committee on the Judiciary].

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
SENATE  
, NO. 1613 OF 2009-2010.]

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to require judicial foreclosure..

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

□

*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. Chapter 244 is hereby amended by inserting after Section 1 the  
2 following section:–

3           Section 2: Foreclosure by Complaint: All foreclosures of residential mortgages on 1-4  
4 family owner-occupied property located in the commonwealth can only be initiated by the filing  
5 of a foreclosure complaint in the Superior or Housing Court for the county in which the property  
6 is located. A residential mortgagor may raise any and all available defenses to the foreclosure  
7 and to the contract for the underlying mortgage loan, in law and in equity. The court shall have  
8 the authority to modify the mortgage or grant any other appropriate relief.