

## Massachusetts Alliance Against Predatory Lending

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For Immediate Release

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### **Attorney General denies Ballot-Challenge to Law gutting Courts' Powers. Voters pledge to still enforce Constitution and right to their property.**

January 19, 2016 – The Massachusetts Alliance Against Predatory Lending (MAAPL) regrets today's decision by the Massachusetts Attorney General. Maura Healey turned down a "Ten Voter" petition to put the legislature's hurriedly passed Chapter 141 of the acts of 2015, "An Act Clearing Titles to Foreclosed Properties," to a voter referendum on the ballot. Healey will not permit voters to revoke the legislature's passage of the Financial Industry's recent law, which reversed SJC decisions that affirmed illegal foreclosures were void by law. Practically, this law will deny the majority of state residents' right to sue to regain their illegally foreclosed homes.

"What is shocking here is having run as she calls herself the chief consumer enforcement officer of our state, the Attorney General did not even let the voters address the unconstitutional taking of our people's property rights. We can only hope that, having denied the Voters' powers to protect our own constitutional rights through the ballot, she has plans to take the law directly to the SJC herself as her oath of office requires – the explicit purpose of her office under article 10 of our constitution," said Grace Ross, MAAPL's Coordinator.

"Our Massachusetts Constitution protects our right to own property. Yet, unless more than 60,000 illegally-foreclosed families get into court by December 30, 2016, this discriminatory law wipes out that right so they'll never recover their homes. Massachusetts must do better!" says Sarah McKee, a former federal prosecutor who has experienced the life-long impacts of family losing their home to foreclosure.

"Not since just prior to the American Revolution have the elite had similar ability to illegally confiscate citizens' property, knowing it would be ratified through the Legislature," said John Schumacher, a Massachusetts resident whose ancestors mustered at Lexington and Concord, and who is fighting an illegal foreclosure. "This new law steals my Constitutional rights! It presumes to rewrite private contracts retroactively and to interfere with my constitutionally protected, judicial remedies. It does not fix a single title, but instead guarantees the bets banks have placed with their powerful and wealthy hold over our political system. This is not what we are about.... We are supposed to be a Commonwealth, not a Common-theft."

MAAPL will turn to the courts to address constitutional, discriminatory and practical implementation problems with Chapter 141. MAAPL continues to call on the Attorney General, other Constitutional Officers and the Supreme Judicial Court itself to address the unconstitutionality of this new law.

"Through this bill, the Financial Industry had the legislature usurp the judiciary's powers to determine the outcome of disputes between private parties. The Industry's stated purpose of this law is to overturn numerous recent, and hundreds of historical, top court rulings enforcing

hundreds' years old law enshrined in our state Constitution, such as the 2011 *Ibanez*, 2012 *Eaton*, and 2015 *Pinti* decisions," Grace Ross, MAAPL's Coordinator expressed with grave concern. "We get it that the last foreclosure crisis and illegal takings were pre-revolution and too long ago for most of us to remember and understand. However, the AG's office, as our primary protector, needs to take the time to understand or let the voters act."

MAAPL agrees that, constitutionally, statewide ballot referendums cannot be used to substitute legislative fiat for our Massachusetts judicial powers. But the Attorney General must realize *constitutionally, the Massachusetts Legislature also does not possess this authority*. However, the Attorney General should not block people's attempt to re-instate the constitution's separation of powers while supporting the legislature's dismantling of it.

"The government should not want anything to do with this. Healey, we voted for you to be our protector of our constitutional rights to our homes. You promised us, the people of Massachusetts. You did not promise the bankers to help harm more families. Stand up for the people!" urges Mildred Collins, a Worcester resident who was foreclosed in January, 2011. Housing Court has twice ruled her foreclosure was illegal.

"This situation with our Attorney General, The People's Advocate, is akin to looking around my Whist game and realizing I'm playing against three people. This law re-enforces the massive illegal land grab from people of color – in 4 years Blacks lost over half our wealth on average. Latinos lost 2/3s. We The People need a partner to face the title insurers and the financial industry - those guaranteed the winning cards under this new law. We expect the Attorney General to now take direct action *from her office to stop this law*," insisted Zakiya Alake, who has rejoined the fight for restitution from her illegal subprime mortgage and loss of her home in 2002.

*Homeowners across the state and attorneys available for comment upon request.*