

HOUSE No. 3384

The Commonwealth of Massachusetts

PRESENTED BY:

Paul W. Mark

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 adoption of the accompanying bill:

An Act to amend the foreclosure statute to require judicial foreclosure.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Peter Capano</i>	<i>11th Essex</i>
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>

<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>

HOUSE No. 3384

By Mr. Mark of Peru, a petition (accompanied by bill, House, No. 3384) of Paul W. Mark and others for legislation to require the judicial review of foreclosures on residential mortgages. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to amend the foreclosure statute to require judicial foreclosure.

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 following
2 section:—

3 SECTION 2: Foreclosure by Action: All foreclosures of residential mortgages on 1-4
4 family owner-occupied properties shall be initiated by the filing of a foreclosure complaint
5 against the mortgagor in the Superior Court for the county in which the property is located. In
6 addition to applicable rule, service shall be in hand or by posting and mailing.

7 A defendant-residential mortgagor may raise all legal and equitable claims and defenses
8 against the mortgagee or any predecessor in interest, assignee, agent or any person or entity
9 acting on behalf of such mortgagee. The court shall have the authority to modify the mortgage or
10 grant any other appropriate relief as to the mortgagor but nothing in this section shall affect the
11 rights of tenants or any legal occupants residing in the property that is the subject of the
12 complaint. The court may set aside a default judgment for good cause shown.