



Mass Alliance Against Predatory Lending

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HOMEOWNERS AND PUBLIC OUTRAGED: BLOCKED ATTENDING HISTORIC HEARING RETRYING PREDATORY MORTGAGE CASE

November 10, 2022, Brockton, MA - "The injustice continues! It's an outrage! I wasn't able to go on Zoom to attend my own hearing. The corruption in this country and these illegal actions against people losing their homes in this country are destroying lives and families. Homeownership used to be the American Dream," explained Tommy L. Morris at being denied the right to attend his own Housing Court hearing.

Today, Mr. Morris and his wife Mary and others filed sworn affidavits of the violation of their rights to attend public court hearings. (See attached affidavit specifying 19+ attempts.)

The Morrisses – Defendants in their own first hearing after an historic reversal by the Massachusetts Supreme Judicial Court of a judgment erroneously entered given evidence of predatory and apparently discriminatory lending practices – and members of the general public, put the courts and the world on notice that they were barred from being heard by the judge and barred from witnessing these potentially historic proceedings, yesterday, November 9.

On July 22, 2022, as a historic first, the top court in the Commonwealth of Massachusetts, the Massachusetts Supreme Judicial Court, admonished the lower courts that they could no longer ignore an attempt to enforce mortgages that were the product of prohibited predatory and discriminatory lending practices. The *HSBC Bank as Trustee v. Morris* decision may be the first holding in the country, during this foreclosure crisis, to admonish the lower courts in their state, to address predatory lending.

In the early 2000s, legislation across the country was passed, early in the historic housing bubble, to arrest predatory lending practices; Massachusetts 2004 law was arguably the strongest. Its focus was to end the egregious practice of giving a loan to make fast money for the brokers and lenders, where the underwriting evidence demonstrated that the mortgage was based on a value far beyond the real property value, stripping as much wealth from the unwitting borrowers upfront as possible with the most likely long-term outcome being foreclosure.

With the SJC order, the Morrisises were promised that the lower court, the MetroSouth Housing Court, judgment was to be reversed, that the predatory nature of the loan had to be assessed, and the case re-adjudicated. Today, Nov. 10, the public docket still does not reflect compliance with the SJC order to reverse the judgment for eviction.

The Morrisises first status hearing was scheduled virtually for noon yesterday, before the Central Housing Court Chief Judge, Diana Horan. They attempted to join their hearing remotely, as instructed. Members of the public also attempted to join remotely, but apparently only the lawyers were permitted to join. (MORE)

For 2 hours, the Morrises were consistently denied access to their hearing, and when they finally reached somebody at one of the courthouses, they were informed that their hearing had long since been over.

Jay Lively, an E. Falmouth homeowner and leader in the Mass. Alliance Against Predatory Lending, was also denied access to this hearing, "When accessibility to courts both as a party or a witness disappear, there can be no justice because accountability has been banished."

Constitutional rights are in question when the public and press are blocked from what are supposed to be public court hearings; this was a public hearing and not in the limited set of circumstances which some-times allow a hearing to be closed (protecting the identity of a sexual violence victim, for instance.)

"I had a Fremont predatory loan and was happy to hear the Supreme Court's decision in Mr. Morris' case in July. However, I was very disappointed that I was unable to hear the status hearing yesterday with Judge Horan. We waited to be admitted to Zoom for an hour and 40 mins. and then found out the hearing was over," Christine Hrycenko, Brockton resident and member of the Brockton Foreclosure Fighters.

The exclusion of the public, and especially given the historic importance of this case, makes it so that no other homeowners whose cases are similarly situated, and who would have a right to the same decision, can witness the proceedings; nor can there be any public record. (END)

Those denied entrance to the hearing are available for comment if you contact Grace Ross above