HOUSE DOCKET, NO. 2037 FILED ON: 1/14/2009

HOUSE No. 4083 [LOCAL APPROVAL RECEIVED.]

The Commonwea	alth of Massachusetts
PRES	ENTED BY:
Willia	m Lantigua
To the Honorable Senate and House of Representatives Court assembled: The undersigned legislators and/or citizens res	s of the Commonwealth of Massachusetts in General spectfully petition for the passage of the accompanying bill
An Act establishing judicial review	of foreclosures in the city of Lawrence.
PET	TITION OF:
NAME: William Lantigua	DISTRICT/ADDRESS: 16th Essex
winiani Lanugua	TOUI ESSEX

The Commonwealth of Massachusetts

In	the	Year	Two	Thousand	and	Nine

AN ACT ESTABLISHING JUDICIAL REVIEW OF FORECLOSURES IN THE CITY OF LAWRENCE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1	WHEREAS,	The City of Lawrence has taken a strong stance in combating the mortgage				
2		foreclosure crisis and in this year alone the City has presented three laws aimed at				
3		combating the negative effects of the emergency; and				
4	WHEREAS,	The state legislature has enacted laws aimed at preventing future predatory				
5		mortgage schemes and Congress is considering several initiatives, but none of				
6		these initiatives address the issue that there is no judicial review of all mortgage				
7		foreclosures; and				
8	WHEREAS,	The need for judicial involvement in reviewing the merits of a foreclosure is clear.				
9		Even the Secretary of the Commonwealth, William F. Galvin, supported the idea				
10		of judicial review of foreclosures at a recent State Senate Judicial Committee; and				
11	WHEREAS,	The Commonwealth's Attorney General initiated suits against mortgage				
12		companies for violations of the Home Loan Practices Act, M.G.L. chapter 183C,				
13		section 2 and individual brokers for forgery, making false statements, and larceny				
14		of credit by false pretenses. Despite these efforts, the Attorney General does not				
15		have the time or resources to prosecute all lending violations. Mandatory judicial				
16	MHEDEAG	review of residential foreclosures would subject each loan to these standards; and				
17	WHEREAS,	The wide-scale issuance of presumptively unfair loans and ever-increasing rate of				
18		foreclosures in the City mandates that our foreclosure system be amended to keep				
19	WHEDEAC	up with the crisis; and Many other states require indicial forcelesure, such as Connections Delayure and				
20 21	WHEREAS,	Many other states require judicial foreclosure, such as Connecticut, Delaware, and Maine, THEREFORE				
22	The C	,				
23	The City of Lawrence petitions the General Court for a special law relating to the City of Lawrence that legislation be adopted precisely as follows, except for clerical or editorial changes					
24	of form only:	registation be adopted precisely as follows, except for element of editorial changes				
4	or form only.					

PETITION FOR A SPECIAL LAW RE:

JUDICIAL REVIEW OF FORECLOSURES IN THE CITY OF LAWRENCE

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- 27 Section 1. Whereas all foreclosures of residential mortgages on 1-4 family owner-occupied
- property, located in the City of Lawrence, can only be initiated by the filing of a foreclosure
- 29 complaint in the Essex County Superior Court or Northeast Housing Court. Whereas a
- 30 residential mortgagor may raise any and all available defenses to the foreclosure and to the
- 31 contract for the underlying mortgage loan, in law, and in equity. The Court shall have the
- 32 authority to modify the mortgage or grant any other appropriate relief.
- 33 Section 2. The provisions of this Act shall be effective 90 days after passage.