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NEW HOMESTEAD LAW AMENDMENT PROTECTS DEPLOYED SERVICE MEMBERS FROM FORECLOSURE

Under Section 15, The VALOR Act, Acts of 2012, Chapter 108, *An Act relative to Veterans' Access, Livelihood, Opportunity, and Resources*, Massachusetts Homestead Law was amended to provide additional protection to deployed service members in mortgage foreclosures. This amendment relieves soldiers from the burden of proof of deployment under the federal Servicemembers Civil Relief Act and amends the Declaration of Homestead to serve as notice to the mortgage holder. This amendment prevents the commencement of a foreclosure during a deployment.

The addition of the following language to the Declaration of Homestead form provides the protection from foreclosure for deployed service members:

I/we [insert name(s)] am/are servicemembers(s) who may be subject to protection under the servicemember(s) Civil Relief Act, 50 U.S.C. 553, should I/we be called to active duty.

This new amendment to the General Laws governing homestead protection incorporates the burden of proof of notice required when called to active duty under the federal Servicemembers Civil Relief Act by serving as the mechanism of giving notice to a mortgage holder through our public land records system.

If you are a homeowner or own a mobile home and are presently serving in the military as National Guard, Reservist or are Active Duty and would like to protect your home under the Homestead Act you should complete a Declaration of Homestead that is provided at the link below, check the fourth box under "Owners Information" of Section 2 and file at the Registry of Deeds where your home is located:

http://www.sec.state.ma.us/sec/rod/rodhom/Declaration_of_Homestead_form_Natural_Persons.pdf

More information please refer to the "Questions and Answers Booklet at http://www.sec.state.ma.us/sec/rod/rodhom/Homestead_q_and_a.pdf or contact your attorney.

After realizing that there was nothing ensuring that lenders acknowledged receipt of a soldier's military status I initiated, lobbied for and co-authored this legislative amendment with my State Representative Ellen Story. If you would like further information please contact me at the numbers listed above.