

Legislation Enacted With REBA Support (Partial Listing)

- St.1987, c.248 – extension of the validity of a municipal lien certificate to 150 days
- St.1987, c.481 – ten-year statute of limitations relative to structural violations of zoning ordinances and bylaws
- St.1987, c.533 – authority for discharge of mortgage by recorded affidavit
- St.1987, c.675 – clarification of uniform recording requirements for Federal liens
- St.1989, c.205 – ten-year statute of limitations on inheritance tax liens
- St.1989, c.239 – provision for alternate members of planning boards
- St.1989, c.283 – simplified conversion of common law tenancy by the entirety to a statutory tenancy by the entirety
- St.1990, c.378 – clarification of fee interests regarding land abutting a way or similar linear boundary
- St.1990, c.496 – exclusion from Soldiers and Sailors Civil Relief Act of proceedings against non-individual owners of record; and elimination of court approval of foreclosure documents on unregistered land
- St.1991, c.157 – elimination of 30-day limitation for recording mortgage foreclosure papers; and provision for simplifying title from a foreclosure
- St.1991, c.235 – clarification of scope of legislative moratorium on mortgage foreclosure
- St.1991, c.320 – provision for consistent publication requirements for license to sell
- St.1992, c.410 – simplified requirements for title following a discharge, release or assignment of mortgage
- St.1994, c.245 – includes requirement of “good funds” in all mortgage transactions (See also St. 1995, c.118)
- St.1994, c.341 – elimination of 90-day limitation for recording mortgage foreclosure papers
- St.1994, c.350 – includes requirement that lender’s attorney render a certification of title to the homebuyer in all purchase mortgage transactions
- St.1995, c.281 – authorizes the creation of limited liability companies and registered limited liability partnerships in the Commonwealth

- St.1996, c.151, §567 – state superintendence of Registry of Deeds in Franklin County
- St.1996, c.364 – modernizes and reforms state mechanics lien law (M.G.L. c.254)
- St.1996, c.480 – permits reliance on discharges executed by certain non-record servicers and noteholders
- St.1996, c.481 – eliminates the use of Owners Duplicate Certificates for registered land
- St.1997, c.48 – state superintendence of Registries of Deeds in Middlesex, Worcester and Hampden Counties
- St.1998, c.142 – conform mortgage foreclosure requirements for all business entities, including LLC's and LLP's
- St.1998, c.147 – permits release of estate tax lien by recording of executor's affidavit
- St.1998, c.242 – omnibus amendments to c.183A, to permit revival of development rights, to clarify limited common elements, etc
- St.1998, c.300 – state superintendence of Registries of Deeds in Hampshire, Essex, Suffolk and Berkshire Counties
- St.2000, c.413 – procedure for the voluntary withdrawal of land from the registration system
- St.2001, c.26 – omnibus amendments to Article 9 of the Uniform Commercial Code
- St.2002, c.393 – enlarges the concurrent jurisdiction of the Land Court to include cases of specific performance of real estate agreements; partition cases; general enforcement of M.G.L. cc.40A and 41, and certain local ordinances and bylaws by certiorari and mandamus
- St.2002, c.496 – makes final and conclusive any order dissolving a *lis pendens* unless notice of appeal recorded within 30 days; requires commencement of action seeking a *lis pendens* to be by verified complaint, and permits expedited dismissal of claims found to be frivolous, with possible recovery of attorneys' fees and costs.
- St.2002, c.508 – authorizes recording of simplified trustees' certificate in lieu of the full trust instrument, notwithstanding "indefinite reference" statute.
- St.2004,
c.461,§18 – confirms that state-chartered banks, their affiliates and subsidiaries are not authorized to sell title insurance.

- St.2005,
c.163, §45 - extends and makes consistent with state tax liens the duration of recorded liens for child support (i.e. 10 years)
- St.2006, c.63 - REBA's omnibus legislation to modernize and simplify mortgage discharge practice, and the execution authority requirements for subordination of mortgage and foreclosure power of attorney.
- St.2006, c.205 - Expedited land use permitting process for certain projects and for resolution of related disputes, including:
- a new Permit Session of the Land Court, held in at least 7 counties to decide certain land use and environmental permitting appeals in projects of minimum specified size and within specified time standards;
 - mandate for assignment of cases to mediation, and authority for designation of approved qualified providers of mediation services
 - authority for developers to continue at their own risk during the pendency of an appeal of a special permit
- St.2006,
c.205,§13 - Provides for the recovery of attorneys fees by municipalities and qualified nonprofits in the enforcement of certain conservation and affordable housing restrictions.
- St.2007, c.168 – Authorizes and ratifies DEP regulatory authority to exempt certain landlocked tidelands from license requirements of M.G.L. c. 91
- St.2008, c.13 - Dispenses with the M.G.L. c. 183A, § 9 requirement to attach a copy of the floor plans to the first unit deed out from a master deed.
- St.2010, c.395 - omnibus Homestead Law Reform
- St.2010, c.282 - changes to the mortgage discharge statute to permit references to certain documents of record or governmental databases to establish the identity of off-record successor mortgagee; and to authorize a variety of individuals having apparent authority to execute documents on behalf of a mortgagee
- St.2010, c.298 - provides that no instrument shall be considered to have been recorded, until the register approves the instrument for recording
- St.2010, c.240, §173; St.2012, c.238, §§ 74, 75 - applicable to permits issued at any time between August 15, 2008 and August 15, 2012, effectively extends a permit for an additional four years beyond its normal expiration date.

- St. 2012, c.140, §§ 1, 2, 22A, 50 - REBA-proposed technical amendments to the Mass. Uniform Probate Code (MUPC) (M.G.L. c.186, §§ 1, 2 and c.190B, §§ 3-715, 5-504), including to permit reliance upon a power of attorney by the attorney in fact and third parties acting in good faith; and to facilitate use of informal probate for disposition of real property under a power of sale.
- St. 2012, c. 194 – REBA amendments to mortgage foreclosure legislation requiring the mortgagee in any foreclosure to include record evidence in the notice of sale that it is the current holder of record of the mortgage; and providing that the compliance affidavit be conclusive for title purposes.
- St.2012, c.238, § 54 - allows commercial leases to assign liability as a term of the lease, and remove the statutory duty on commercial landlords to remedy unsafe conditions within tenant-controlled premises, notwithstanding the holding in *Bishop v. TES Realty Trust*.
- St.2014, c.76 - requires disclosures and other consumer protections for purchasers of time shares.
- St.2014, c.287, §§81-83 - expands the right voluntarily to withdraw land from Land Court registration and facilitate the acceptance for registration of instruments executed on behalf of a corporation.
- St.2014, c.371 - provides a procedure for disposing of the property of, and otherwise winding down, a limited liability company whose registration has been cancelled.
- St.2014, c.483 - removes contradictory language in MGL c. 183A, sect 6 (c); and allows condominiums to imply mortgagee consent for amendments to condominium documents
- St.2015, c.141 - provides that an affidavit under M.G.L. c.244, §15 shall be conclusive evidence of due exercise of a power of sale in a mortgage in favor of certain third parties after three years from its being recorded.
- St.2016. c.219, §27 - extends to 12 months the period for construction to commence pursuant to a permit under M.G.L. c.40A, § 6.
- St.2016, c.289 - establishes standards of conduct applicable to notaries; and confirms the validity and effectiveness of recorded instruments.
- St.2016, c.404 - permits the entry of registered land documents in either book or electronic form.