

# **Foreclosure & Form 35B Filing System – Requirements Gathering**

**Presented By: Experis**

**To: MA EOED DOB**

# Purpose of this session

- Translate intent into requirements
- Define scope, workflows, rules, and UI behaviors
- Capture inputs for configuration & build

# Source Documents

- EOED/DOB RFQ / RFP
- Experis follow-up presentations
- Signed SOW
- EOED DOB Website & Policy Docs

# Scope Definition

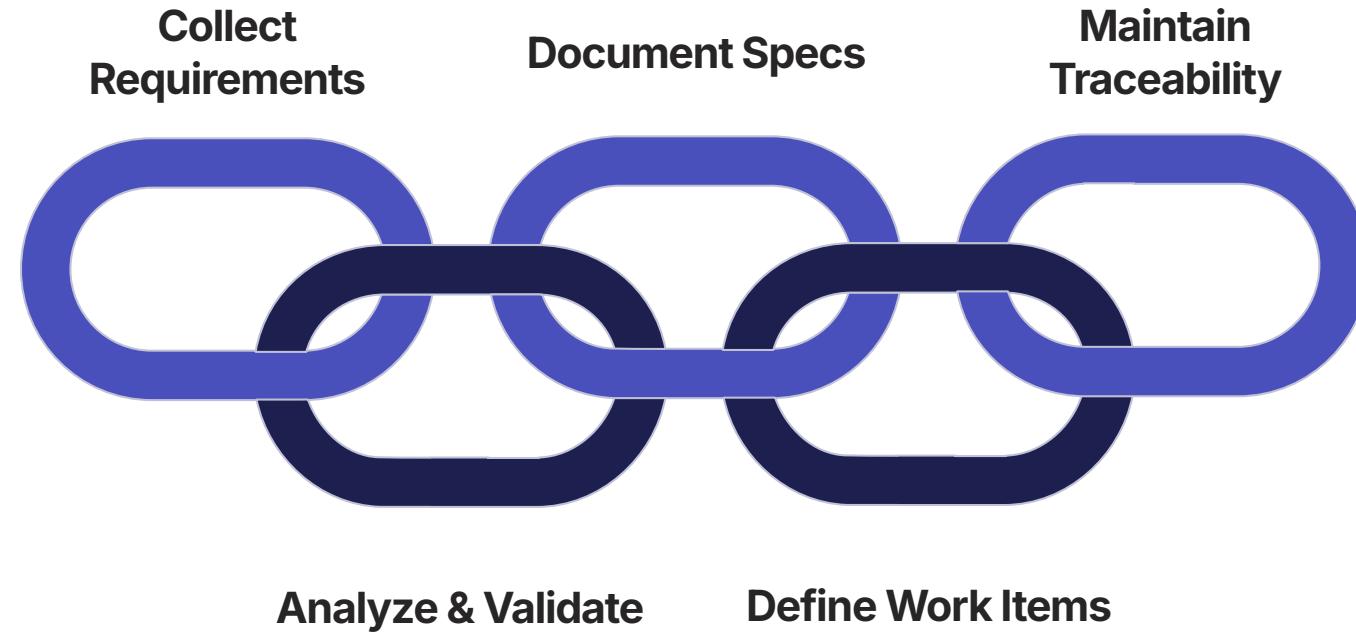
## In-Scope Items

- Public e-filing (Petitions, Form 35B)
- Agency intake & decisioning
- Document & evidence tracking
- Workflow & tasking
- Notifications, dashboards, reporting
- Enterprise Integrations covering SSO, Snowflake, [Mass.gov](#), Google Places, MERS
- Admin (users, roles, lookups, templates, settings)
- Accessibility for Filing System

## Out of Scope Items

- Enterprise integrations not specified within In Scope
- Online payments (unless later approved)
- New System Features outside SOW

# Approach to Requirements Gathering



# Project Repository

The screenshot shows the Azure DevOps interface with the 'Boards' tab selected. The main area displays a Kanban board titled 'Here's an Azure Board for Project Management'. The board has three columns: 'To Do', 'Doing', and 'Done'. The 'Doing' column has 2/5 items. The items are:

- 111 Investigate the issue (Status: Doing, Type: Bug)
- 110 Error with 2FA validation when logging in for the first time (Status: Done, Type: Bug)
- 112 Analytics dashboard is throwing up 404 errors (Status: To Do, Type: Bug)
- 108 Bug blocking AUTH (Status: Doing, Type: Bug)
- 109 PII data scrub (Status: Done, Type: Bug)

The left sidebar lists various project management sections: Bug Reports, Overview, Boards, Work items, Boards, Backlogs, Sprints, Queries, Delivery Plans, Analytics views, Repos, Pipelines, Test Plans, Artifacts, and Project settings.

## Artifacts Maintained

1. Project Status
2. Meeting Minutes
3. Risks/Issues
4. Documentation
5. User Stories/Tasks
6. Sprint Planning & Backlogs
7. Defects

We will provide access to all project stakeholders

# Project Name

TBD

Some Suggestions....

# Environment & Access

## Two Surfaces of the System



### Public Filing Portal Functions

- Registration & org association
- Petition/Form 35B drafting & submission
- Document uploads
- Status tracking & responses

### Agency Workbench Functions

- Intake, review, decisioning
- Workflow transitions & correspondence
- Dashboards, reporting, exports
- User/role management & settings

- [Public Filing Portal](#) (filers)
- [Agency Workbench](#) (staff)

# Massachusetts Foreclosure Process Workflow

A comprehensive overview of the steps involved in the Massachusetts foreclosure process, detailing responsibilities and timings.

|    |   |   |                     |
|----|---|---|---------------------|
| 1. | <b>Default occurs - Borrower misses scheduled mortgage payment.</b> | <b>Default starts after the first missed payment; Action initiated after 90 days delinquency.</b>                                       | <b>Borrower</b>     |
| 2. | Right-to-Cure Notice (§35A)   | Must be sent within 120 days of default. Notice gives borrower 150 days to cure (or 90 days if modification review is complete/waived). | Creditor / Servicer |
| 3. | Form 35B Notice (Right to Pursue Modification)                      | Sent if loan is a "certain mortgage loan." Typically sent with or soon after the §35A notice.   | Creditor / Servicer |
| 4. | Borrower Response Window (§35B)                                     | Borrower has 30 days to respond from mailing of §35B notice.  | Borrower            |
| 5. | Creditor Evaluation (§35B)  | Creditor must evaluate borrower's response within 30 days. If no response, process continues after cure period.                         | Creditor / Servicer |
| 6. | Affidavit of Compliance (§35B)                                      | Creditor records affidavit with Registry of Deeds confirming compliance or non-applicability. Must be complete before petition filing.  | Creditor            |
| 7. | Foreclosure Petition Filed  | Filing can occur only after: (a) cure period expires, and (b) §35B affidavit is recorded.   | Creditor / Court    |
| 8. | Foreclosure Petition Review (Agency Staff)                          | Petition reviewed for completeness and statutory compliance (not substantive mortgage merits). If incomplete, returned to filer.        | Agency Staff        |
| 9. | Foreclosure Petition Update   | Creditor or court updates petition with required corrections (if returned) or confirms petition status after agency review.             | Creditor / Court    |

# Proposed System: Filing Petition Workflow

Here's how the Massachusetts Foreclosure Process Workflow translates into actionable steps within the new system:

01

## Start Petition

Initiate a new filing; the system automatically generates a draft petition.

03

## Loan Details

Specify loan type, terms, and current balance.

05

## Filing Entity

Verify organization and contact information.

07

## Form 35B Compliance

Upload the affidavit of compliance or non-applicability.

09

## Attestation

Certify and electronically sign the petition for submission.

02

## Property Details

Input comprehensive property address and county information.

04

## Borrower Details

Add and link borrower names to the petition.

06

## Right-to-Cure (35A)

Record proof of notice, including date, amount, and cure period details.

08

## Loan Assignees

Detail prior loan holders and originator information.

10

## Review & Submit

Final check of the petition summary before submitting for agency review.

# Step 1: Start Petition Filing

This initial step guides users through managing existing filings and initiating new ones within the system, ensuring an organized and efficient start to every case.



## View Existing Petitions

Access all petitions filed by your organization, providing a comprehensive overview of past submissions and their current statuses.



## Search & Filter

Quickly locate specific petitions using various criteria such as borrower name, property details, loan number, or filing status.



## File a New Petition

Initiate a guided, step-by-step process to create a new foreclosure petition or Form 35B filing from scratch.



## Save & Return

Securely save your progress at any point during the filing process and easily resume drafting petitions later.

# Step 2: Property Details

This step focuses on accurately capturing property information, leveraging automated validation for efficiency while allowing flexibility for unique cases.



## Enter Property Information

Users will input critical details including the street address, city, state (defaults to MA), ZIP Code, and the specific county where the foreclosure is being filed.



## Google Address Validation

Our system integrates with the Google API to automatically validate addresses, suggesting auto-completions for city, state, and ZIP, ensuring data accuracy.



## Manual Override Option

For instances where Google cannot validate an address (e.g., new developments or non-standard parcels), users retain the ability to manually input and override suggested details.

This approach ensures filed addresses are accurate and consistent whenever possible, while still providing necessary flexibility for edge cases.

# Step 3: Loan Details

This step collects comprehensive loan information, ensuring compliance and accuracy through integrated data validation and flexible input options.

## Enter Loan Information

Users provide essential loan details, forming the basis for the foreclosure petition.

- Loan Account Number
- Loan Type and Term
- Lien Position
- Original & Current Loan Amounts
- Original & Current Interest Rates
- Year Loan Originated

## MERS Integration

The system connects with the Mortgage Electronic Registration System (MERS) to validate the loan account number and automatically populate available loan data, enhancing accuracy.

## Manual Override Option

Should MERS lookup fail or return incomplete data, users have the flexibility to manually enter or correct loan details, ensuring all necessary information is captured.

## Certain Mortgage Loan Determination

Based on the loan features entered, the system automatically determines if the loan qualifies as a "certain mortgage loan," which triggers the mandatory requirement for a Form 35B Affidavit of Compliance.

# Step 4: Borrower Details

This step ensures accurate capture and linkage of all individuals associated with the loan, crucial for a complete foreclosure petition.

## Enter Borrower Information

Users input full names (First, Middle Initial, Last) for each borrower. The system allows for multiple borrower records to be added as needed.

## System Validation

The system ensures that at least one borrower is entered and that all entered names are complete, preventing submissions with missing critical data.

## Link to Loan and Property

All entered borrowers are automatically associated with the loan and property details previously provided, creating a cohesive record.

This comprehensive approach guarantees that all parties tied to the mortgage are properly captured and linked to the petition, maintaining data integrity throughout the process.

# Step 5: Filing Entity

This step ensures that every petition is linked to a valid, approved organization and a responsible contact person.



## Enter Filing Entity Information

Users provide essential organization and contact details for the party submitting the petition, including:

- Organization Name
- Contact First Name
- Contact Last Name
- Contact Phone Number
- Contact Email Address



## Prefill & Manual Update

If the organization is already registered, these details are prefilled. Users can manually update contact information if a different individual within the organization is managing the filing.



## Agency Traceability

Filing entity information is securely recorded, ensuring each petition is traceable to a registered and approved organization for compliance and accountability.

# Step 6: Right-to-Cure (35A)

This critical step verifies compliance with §35A, ensuring that proper notice has been given to the borrower, which is essential for a legally sound foreclosure process.



## Input Notice Details

Users enter essential information proving the §35A notice was sent to the borrower, including the Notice Date, Amount in Default, Days Delinquent, Cure Expiration Date, and Notice Mailing Address. An Acceleration Date can be provided if no Right-to-Cure notice was issued.

## System Validation

The system ensures a Notice Date is provided (or an Acceleration Date), and that the Cure Expiration Date aligns with statutory timelines. It requires at least one compliance path: either Notice Date + Cure Expiration, or an Acceleration Date.

## Compliance Enforcement

The petition cannot proceed to the next step without complete and valid Right-to-Cure information. While agency staff can review these fields, direct upload of the actual notice document is not required.

This strict requirement guarantees that every petition demonstrates compliance with §35A before it can be officially filed.

# Step 7: Form 35B Compliance

This section provides a deeper look into the requirements for the Form 35B Affidavit of Compliance and its enforcement.

## Upload Form 35B Affidavit

For "certain mortgage loans", users must upload a signed and notarized PDF of the Form 35B Affidavit of Compliance. This affidavit requires specific details:

- Affiant Name
- Affiant Title
- Date of Affidavit
- Notary Information

*Examples of "Certain Mortgage Loans" include Interest-Only Mortgages, Payment-Option or Negative Amortization Loans, High Loan-to-Value Mortgages (e.g., 90%+ with limited documentation), Low-Doc / No-Doc Mortgages, and Subprime Loans.*

## Non-Applicability Affidavit (Optional)

If the loan does not qualify as a "certain mortgage loan," users have the option to upload a Non-Applicability Affidavit (PDF). The system will allow submission without it.

## System Validation & Compliance Enforcement

The system ensures that at least one affidavit is attached. A petition for a "certain mortgage loan" cannot proceed without a Form 35B Compliance Affidavit. This critical checkpoint prevents incomplete filings and reinforces legal compliance before the petition can be filed.

This process guarantees that all petitions related to "certain mortgage loans" include the mandatory statutory affidavit, while providing flexibility for non-applicable loans.

# Step 8: Loan Assignees

This step captures the complete ownership history of the loan, ensuring transparency and legal compliance by documenting all prior assignees.



## Enter Previous Loan Assignees

Users provide detailed information about any prior holders or assignees of the loan, including:

- Lender Name
- Lender Type
- Lender Address
- Loan Originator Name
- Loan Originator License Number
- Loan Originator License State

This is an optional step; not all petitions will have prior assignees, but the system allows multiple records if needed.

## System Validation

The system enforces that all required fields (Lender Name, Lender Type) are accurately completed for each assignee entry. It also facilitates the addition of multiple entries, accommodating loans that have been transferred numerous times.

## Comprehensive Traceability

This feature establishes a clear and auditable record of the loan's assignment history. It ensures full transparency and strict compliance with foreclosure filing regulations by including a complete overview of the loan's ownership and origination, when applicable.

By capturing this crucial historical data, the system guarantees that petitions are supported by a full and accurate account of the loan's journey, bolstering legal integrity.

# Step 9: Petition Attestation

This final crucial step ensures the legal integrity and accountability of every petition by requiring a formal attestation from the filer before submission.



## Enter Attestation Details

Users provide their **first name, middle initial, and last name** to formally certify the accuracy and completeness of the petition.



## **Electronic Certification**

The user **checks a certification box**, confirming the information is true and correct. The system then captures the electronic signature and the precise timestamp of submission.



## Mandatory Validation

The system automatically **ensures the filer's full name is provided** and that the certification box is checked. A petition cannot be submitted without this completed attestation.



## **Accountability & Audit Trail**

This step creates a legally binding record, establishing that the filer has taken full responsibility for the petition's content. All attestations are meticulously **logged in the system's audit trail** for comprehensive accountability.

This process guarantees that every petition is formally signed and certified, reinforcing legal compliance and personal accountability.

# Step 10: Review & Submit

This final step consolidates all petition details for user review, ensures comprehensive validation, and formally logs the submission for agency processing.



## Review Petition Summary

Users are presented with a **read-only summary** of all entered petition details, including property, loan, borrower, and filing entity information, alongside proofs for Right-to-Cure (35A), Form 35B, loan assignees, and attestation data.



## Automated System Validation

The system performs a final check, confirming that all required sections are complete and that mandatory affidavits (35A proof and 35B compliance) are correctly attached, preventing incomplete or non-compliant submissions. **Runs duplicate detection.**



## Final Petition Submission

After reviewing the summary and validating compliance, the user confirms accuracy and formally submits the petition to the Agency Workbench for staff review. The petition's status is automatically updated to **Submitted – Pending Agency Review**. Notifications generated for Filer & Agency staff.



## Comprehensive Audit Trail

A detailed audit trail is automatically generated upon submission, logging the exact date, time, and identity of the filer. This ensures full traceability and accountability for all submitted petitions during agency review.

This critical checkpoint guarantees that every petition is complete, fully validated, and properly documented before it enters the agency's official review process.

# Agency Workbench Functions

The Agency Workbench provides essential tools for staff to manage foreclosure petitions, users, and system configurations, ensuring efficient operations and compliance.



## Petition Review

Agency staff can review submitted petitions, including all details, attached affidavits, and compliance proofs. They can add notes, flag issues, and communicate directly with filers, with options to accept or return petitions for correction.



## User Management

Manage all user accounts by reviewing new registration requests, approving or denying access, and enabling or disabling existing user accounts. This ensures secure and controlled access to the system.



## Lookup & Dropdown Management

Maintain and update critical system-wide data, including values for dropdown lists such as counties, lender types, and loan types. Staff can add, modify, or disable entries to ensure data consistency across the entire portal.

These functions collectively empower agency staff to maintain the integrity and efficiency of the foreclosure filing system.

# Updating a Petition

This process allows filers to correct and resubmit petitions, ensuring accuracy while maintaining a robust audit trail and finalization rules.

## Filer Makes Corrections

Filers can update petitions with a **"Returned for Correction"** status. Updates include data correction, affidavit re-upload, or clarifying details.

## Staff-Filer Communication

Agency staff can add notes or request clarification. Filers respond directly within the system, keeping all communications tied to the petition record.

## Petition Finalization

Once a petition is **"Accepted"** by agency staff, it becomes final. The filer can no longer make edits, all fields are locked, and only staff can update its status.

## Automated Notifications

Filers receive email alerts when a petition is returned for correction. Agency staff are notified when an updated petition is resubmitted for review.

This structured approach ensures petitions can be corrected when needed, but once accepted, they become part of the permanent record for legal integrity.

# Form 35B Aggregate Reporting

The system streamlines the collection and analysis of critical loan modification data, ensuring compliance and providing valuable insights into market activity.



## Purpose & Integration

Captures creditor activity on loan modification outcomes under §35B. Replaces external DoB forms with a direct, integrated portal submission process.



## Semi-Annual Cycle

Submitted twice yearly: January–June (filed July) and July–December (filed January). Optional annual summary reports can be generated from the system.



## Information Captured

Tracks mailed 35B Notices, borrower responses, modification offers made, and their outcomes (accepted, declined, ineligible), providing comprehensive totals for each reporting period.



## Submission Workflow

Creditors complete an online form. The system validates all required fields, submits the report for agency review, and sends email notifications to both the filer and agency staff.



## Agency Functions

Agency staff review, approve, or return reports for correction. They can also generate system-wide dashboards and analytics to monitor 35B activity.

This integrated approach enhances data accuracy and provides real-time insights for regulatory oversight.