

Understanding the Recent Changes to the Massachusetts Homestead Protection Act

Services

Debt Collection

- Debt Collection Defense

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The [Massachusetts Homestead Protection Act](#) offers vital protection for homeowners, safeguarding their primary residence from certain creditors. This law provides peace of mind, especially in times of financial hardship or legal disputes. Based on a change in the law, effective August 6, 2024, homestead protection against unsecured creditors has increased to \$1,000,000. With the increased protection limit of up to \$1,000,000, understanding and utilizing this legal safeguard is more critical than ever.

In this blog, we'll explore what homestead protection entails, the difference between automatic and declared homestead protection, and the advantages of working with an experienced attorney to ensure your rights and property are fully protected.

What Is the Massachusetts Homestead Protection Act?

The Massachusetts Homestead Protection Act is a legal provision that shields a homeowner's primary residence from certain creditors. Under this law, a portion of the equity in your home is protected from being used to satisfy unsecured debts, such as credit card balances or medical bills, in the event of financial difficulties.

This protection ensures that you and your family can retain your home, even if you face unexpected financial challenges. It does not, however, protect against secured debts such as mortgages or tax liens.

The Two Levels of Homestead Protection: \$125,000 vs. \$1,000,000

1. Automatic Protection (\$125,000)

Massachusetts law provides automatic homestead protection of up to \$125,000 for all primary residences. This protection applies without the need to file any additional paperwork and is available to any homeowner residing in their primary residence.

2. Declared Homestead Protection (\$1,000,000)

By filing a formal homestead declaration with the Registry of Deeds, homeowners can increase their protection to \$1,000,000 in equity. This additional step requires a written declaration, but it significantly enhances your financial security by offering greater protection from creditors.

Why the Difference Matters

- **For Those With Equity Over \$125,000:** If the equity in your home exceeds \$125,000, failing to file a homestead declaration leaves that additional equity vulnerable to creditor claims.

- **Increased Financial Security:** With up to \$1,000,000 in protection, a declared homestead can shield more of your assets, providing critical stability for you and your family.

What Are the Benefits of Securing Legal Representation for Homestead Protection?

Filing a homestead declaration and asserting homestead rights can be complex. An experienced attorney can ensure your protection is properly recorded and help you navigate disputes with creditors. Here's how:

1. Accurate Filing and Compliance

An attorney can prepare and record the homestead declaration with the Registry of Deeds, ensuring all legal requirements are met. This prevents potential errors that could render your declaration invalid.

2. Addressing Creditor Claims

If creditors challenge your homestead protection, legal counsel is essential to assert your rights. An attorney can effectively argue for the application of the homestead exemption, shielding your home from seizure.

3. Comprehensive Asset Protection

An experienced attorney can provide advice tailored to your financial situation, helping you maximize your protections under the law while addressing any unique circumstances you face.

4. Peace of Mind

Knowing that your homestead protection is correctly filed and your rights are safeguarded provides invaluable peace of mind for you and your family.

Take Action Today to Protect Your Home or Address Creditor Claims

Your home is one of your most valuable assets. Ensuring it is fully protected under the Massachusetts Homestead Protection Act is essential for financial security and peace of mind.

At Cohen Cleary, P.C., our experienced attorneys can assist with filing a homestead declaration, [addressing creditor claims](#), and providing personalized advice to safeguard your rights. [Contact us today at 508-880-6677](#) to schedule a complimentary case consultation and take the first step toward securing your home's future.