

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 3009  
OFFERED BY MS. GARCIA OF TEXAS**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Improving Language  
3 Access in Mortgage Servicing Act of 2021”.

**4 SEC. 2. LANGUAGE ACCESS REQUIREMENTS AND RE-  
5 SOURCES.**

6 (a) IN GENERAL.—Chapter 2 of title I of the Truth  
7 in Lending Act (15 U.S.C. 1631 et seq.) is amended by  
8 inserting after section 129H the following:

**9 “§ 129I. Language access requirements.**

10 “(a) STANDARD LANGUAGE PREFERENCE FORM.—  
11 Not later than 90 days after the date of the enactment  
12 of this section, the Director of the Bureau of Consumer  
13 Financial Protection shall, after consulting with the Sec-  
14 retary of Agriculture, the Director of the Federal Housing  
15 Finance Agency, the Secretary of Veterans Affairs, and  
16 the Commissioner of the Federal Housing Authority, by  
17 rule, establish a standard language preference form which  
18 includes a standard language preference question asked in

1 each of the 8 languages most commonly spoken by individ-  
2 uals with limited English proficiency, as determined by the  
3 Director of the Bureau using information published by the  
4 Director of the Bureau of the Census.

5 “(b) REQUIREMENTS FOR CREDITORS.—

6 “(1) USE OF STANDARD LANGUAGE PREF-  
7 ERENCE FORM BY CREDITORS.—

8 “(A) INCLUSION IN APPLICATION.—Each  
9 creditor shall include, in any written application  
10 used in connection with a residential mortgage  
11 loan, the standard language preference form es-  
12 tablished by the Director of the Bureau under  
13 subsection (a).

14 “(B) INCLUSION OF DISCLOSURE.—Each  
15 creditor may include with such standard lan-  
16 guage preference form a disclosure stating that  
17 documents and services may not be available in  
18 the preferred language indicated by the con-  
19 sumer on the standard language preference  
20 form.

21 “(C) DOCUMENTATION AND TRANSFER OF  
22 PREFERRED LANGUAGE INFORMATION.—If a  
23 creditor, or assignee of a creditor receives infor-  
24 mation about a language preference of a con-  
25 sumer through the standard language pref-

1           erence form, orally or in writing in connection  
2           with a residential mortgage loan, as determined  
3           by the Director of the Bureau, including from  
4           another creditor or a servicer, such creditor or  
5           assignee shall document this language pref-  
6           erence in each file or electronic file of informa-  
7           tion associated with such consumer and shall  
8           transfer such information and the standard lan-  
9           guage preference form to any servicer of the  
10          loan and to any creditor that may own the loan  
11          in the future.

12          “(2) PROVISION OF TRANSLATED DOCU-  
13          MENTS.—If a Federal agency or a State or local  
14          agency in the State or locality in which the residen-  
15          tial property is located has produced a translation of  
16          a document used in association with a residential  
17          mortgage loan in the preferred language of a con-  
18          sumer documented by a creditor pursuant to para-  
19          graph (1)(C), such creditor shall—

20                 “(A) provide such translation in addition  
21                 to any English version of such document that  
22                 would have been provided to such consumer  
23                 who indicated such preferred language; and

24                 “(B) include a notice on the English and  
25                 translated versions indicating that the English

1 version is the official and operative document  
2 and the translated version is for informational  
3 purposes only.

4 “(3) ORAL INTERPRETATION SERVICES.—

5 “(A) IN GENERAL.—If a creditor receives  
6 information about a language preference of a  
7 consumer through the standard language pref-  
8 erence form, orally or in writing in connection  
9 with a residential mortgage loan, as determined  
10 by the Director of the Bureau, including from  
11 another creditor or a servicer, such creditor  
12 shall provide oral interpretation services to such  
13 consumer.

14 “(B) ORAL INTERPRETATION SERVICES.—  
15 If a creditor is required under subparagraph  
16 (A) to provide oral interpretation services to a  
17 consumer, such creditor shall ensure qualified  
18 oral interpretation services, as defined by the  
19 Director of the Bureau, are made available in  
20 the preferred language of the consumer for all  
21 oral communications between the such creditor  
22 and the consumer and these oral interpretation  
23 services may be provided by qualified staff of  
24 the creditor or a qualified third party.

1           “(4) NOTICE OF AVAILABLE LANGUAGE SERV-  
2           ICES.—If a creditor receives information about a  
3           language preference of a consumer through the  
4           standard language preference form, orally or in writ-  
5           ing in connection with a residential mortgage loan,  
6           as determined by the Director of the Bureau, includ-  
7           ing from another creditor or a servicer, such creditor  
8           shall not later than 10 business days after receiving  
9           such information, notify such consumer in writing,  
10          in the preferred language of the consumer, of any  
11          language services available, including the services re-  
12          quired under paragraphs (2) and (3).

13          “(5) TRANSFER OF LANGUAGE PREFERENCE  
14          INFORMATION.—If a creditor transfers the servicing  
15          associated with a residential mortgage loan, such  
16          creditor shall notify the transferee servicer of any  
17          known language preference of the consumer associ-  
18          ated with such residential mortgage loan.

19          “(6) INFORMATION ON WEBSITE.—Each cred-  
20          itor shall on the website of the creditor publish—

21                 “(A) links to and explanatory information  
22                 about the websites maintained by the Secretary  
23                 of Housing and Urban Development and the  
24                 Director of the Bureau of Consumer Financial  
25                 Protection that identify housing counselors ap-

1           proved by the Department of Housing and  
2           Urban Development; and

3           “(B) a link to and explanatory information  
4           about the language resources website estab-  
5           lished by the Director of the Bureau of Con-  
6           sumer Financial Protection, the Secretary of  
7           Housing and Urban Development, the Director  
8           of the Federal Housing Finance Agency, the  
9           Secretary of Agriculture, and the Secretary of  
10          Veterans Affairs under section 1(e) of the Im-  
11          proving Language Access in Mortgage Servicing  
12          Act of 2021.

13          “(c) TRANSLATION OF MORTGAGE DOCUMENTS.—  
14          With respect to each document published by the Federal  
15          Housing Finance Agency, the Bureau of Consumer Finan-  
16          cial Protection, the Department of Housing and Urban  
17          Development, the Department of Veterans Affairs, and  
18          the Department of Agriculture and used in association  
19          with a residential mortgage loan transaction, including  
20          origination and servicing documents, the Director of the  
21          Bureau of Consumer Financial Protection and the Direc-  
22          tor of the Federal Housing Finance Agency shall jointly—

23                 “(1) not later than 180 days after the date of  
24                 the enactment of this section, publish versions of  
25                 such documents translated into each of the 8 lan-

1 guages most commonly spoken by individuals with  
2 limited English proficiency, as determined by the Di-  
3 rector of the Bureau of Consumer Financial Protec-  
4 tion using information published by the Director of  
5 the Bureau of the Census; and

6 “(2) not later than 3 years after the date of the  
7 enactment of this section, publish versions of such  
8 documents translated into at least 4 additional lan-  
9 guages spoken by individuals with limited English  
10 proficiency that are regionally prevalent in the  
11 United States, as determined by the Director of the  
12 Bureau of Consumer Financial Protection using in-  
13 formation published by the Director of the Bureau  
14 of the Census.

15 “(d) RULEMAKING.—The Director may issue such  
16 rules as the Director determines necessary to implement  
17 this section.”.

18 (b) REQUIREMENTS FOR SERVICERS.—Section 6 of  
19 the Real Estate Settlement Procedures Act of 1974 is  
20 amended by adding at the end the following:

21 “(n) LANGUAGE ACCESS REQUIREMENTS.—

22 “(1) IN GENERAL.—

23 “(A) INCLUSION IN NOTICES.—Each  
24 servicer shall include the standard language  
25 preference form with—

1 “(i) any notice required under section  
2 1024.39(b) of title 12, Code of Federal  
3 Regulations;

4 “(ii) any notice required under section  
5 (c);

6 “(iii) any notice required under sec-  
7 tion 1024.41(b)(2) of title 12, Code of  
8 Federal Regulations;

9 “(iv) any notice required under sec-  
10 tion 1024.41(c)(2)(iii) of title 12, Code of  
11 Federal Regulations; and

12 “(v) any other additional notice as the  
13 Director of the Bureau of Consumer Fi-  
14 nancial Protection determines necessary.

15 “(B) INCLUSION OF DISCLOSURES.—A  
16 servicer may include with the standard lan-  
17 guage preference form a disclosure stating that  
18 documents and services may not be available in  
19 the preferred language of the borrower indi-  
20 cated by the consumer on the standard lan-  
21 guage preference form.

22 “(C) DOCUMENTATION AND TRANSFER OF  
23 PREFERRED LANGUAGE INFORMATION.—If a  
24 servicer or an assignee of a servicer receives in-  
25 formation about a language preference of a bor-



1           rower through the standard language preference  
2           form, orally or in writing in connection with a  
3           federally related mortgage, as determined by  
4           the Director of the Bureau, including from an-  
5           other servicer or creditor, such servicer or as-  
6           signee shall document this language preference  
7           in each file or electronic file of information as-  
8           sociated with such borrower and shall transfer  
9           such information and the standard language  
10          preference form to any other servicer that may  
11          service the loan in the future.

12          “(2) REQUIRED LANGUAGE SERVICES FOR  
13          SERVICERS.—

14                 “(A) PROVISION OF TRANSLATED DOCU-  
15                 MENTS.—If a Federal agency, or a State or  
16                 local agency in the State or locality in which  
17                 the property subject to the federally related  
18                 mortgage loan is to be located has produced a  
19                 translation of a document used in associated  
20                 with a federally related mortgage loan in the  
21                 preferred language of a borrower as docu-  
22                 mented by the servicer pursuant to paragraph  
23                 (1)(C), the servicer shall—

24                         “(i) provide such translation in addi-  
25                         tion to any English version of such docu-

1           ment that would have been provided to  
2           such borrower; and

3           “(ii) include a notice on the English  
4           and translated versions, in the preferred  
5           language of the borrower, indicating that  
6           the English version is the official and oper-  
7           ative document and the translated version  
8           is for informational purposes only.

9           “(B) ORAL INTERPRETATION SERVICES.—

10           “(i) IN GENERAL.—If a servicer re-  
11           ceives information about a language pref-  
12           erence of a borrower through the standard  
13           language preference form, orally or in writ-  
14           ing in connection with a federally related  
15           mortgage, as determined by the Director of  
16           the Bureau, including from another cred-  
17           itor or a servicer, such servicer shall pro-  
18           vide oral interpretation services to such  
19           borrower.

20           “(ii) ORAL INTERPRETATION SERV-  
21           ICES.—If a servicer is required under sub-  
22           paragraph (A) to provide oral interpreta-  
23           tion services to a borrower, such servicer  
24           shall ensure qualified oral interpretation  
25           services, as defined by the Director of the

1 Bureau, are made available in the pre-  
2 ferred language of the borrower for all oral  
3 communications between the such servicer  
4 and the borrower and these oral interpreta-  
5 tion services may be provided by qualified  
6 staff of the borrower or a qualified third  
7 party.

8 “(3) NOTICE OF AVAILABLE LANGUAGE SERV-  
9 ICES.—If a servicer receives information about a  
10 language preference of a borrower through the  
11 standard language preference form, orally or in writ-  
12 ing in connection with a federally related mortgage,  
13 as determined by the Director of the Bureau, includ-  
14 ing from another creditor or a servicer, such servicer  
15 shall, not later than 10 business days after receiving  
16 such information, notify such borrower in writing, in  
17 the preferred language of the borrower, of any lan-  
18 guage services available, including the services re-  
19 quired under paragraph (2).

20 “(4) TRANSFER OF LANGUAGE PREFERENCE  
21 INFORMATION.—If a servicer transfers the servicing  
22 associated with a federally related mortgage loan,  
23 such servicer shall notify the transferee servicer of  
24 any known language preference of the borrower as-  
25 sociated with such federally related mortgage loan.

1           “(5) STANDARD LANGUAGE PREFERENCE FORM  
2           DEFINED.—The term ‘standard language preference  
3           form’ means the standard language preference form  
4           established by the Director of the Bureau under sec-  
5           tion 129I of the Truth in Lending Act.

6           “(7) INFORMATION ON WEBSITE.—Each  
7           servicer shall on the website of the servicer pub-  
8           lish—

9                   “(A) links to and information about the  
10                   websites maintained by the Secretary of Hous-  
11                   ing and Urban Development and the Director  
12                   of the Bureau of Consumer Financial Protec-  
13                   tion that identify housing counselors approved  
14                   by the Department of Housing and Urban De-  
15                   velopment; and

16                   “(B) a link to and information about the  
17                   language resources website established by the  
18                   Director of the Bureau of Consumer Financial  
19                   Protection, the Secretary of Housing and  
20                   Urban Development, the Director of the Fed-  
21                   eral Housing Finance Agency, the Secretary of  
22                   Agriculture, and the Secretary of Veterans Af-  
23                   fairs under section 1(e) of the Improving Lan-  
24                   guage Access in Mortgage Servicing Act of  
25                   2021.

1           “(9) RULEMAKING.—The Director of the Bu-  
2           reau of Consumer Financial Protection may issue  
3           such rules as the Director determines necessary to  
4           implement this section.”.

5           (c) CLERICAL AMENDMENT.—The table of sections  
6           in chapter 2 of the Truth in Lending Act (15 U.S.C. 1631  
7           et seq) is amended by inserting after the item relating to  
8           section 129H the following:

          “129I. Preferred language requirements.”.

9           (d) REPORT.—Not later than 1 year after the date  
10          of the enactment of this section, and each year thereafter,  
11          the Director of the Bureau of Consumer Financial Protec-  
12          tion, the Secretary of Housing and Urban Development,  
13          the Director of the Federal Housing Finance Agency, the  
14          Secretary of Agriculture, and the Secretary of Veterans  
15          Affairs shall submit a report to the Congress that con-  
16          tains—

17                (1) regulatory recommendations to enhance  
18                mortgage origination and servicing processes for per-  
19                sons with a preferred language that is not English;

20                (2) a description of any legislative changes  
21                needed to provide authority necessary to implement  
22                the regulatory recommendations; and

23                (3) a description of any progress on the imple-  
24                mentation of any legislative or regulatory rec-  
25                ommendation made in a previous report.

1 (e) LANGUAGE RESOURCE WEBSITE.—

2 (1) IN GENERAL.—The Director of the Bureau  
3 of Consumer Financial Protection, the Secretary of  
4 Housing and Urban Development, the Director of  
5 the Federal Housing Finance Agency, the Secretary  
6 of Agriculture, and the Secretary of Veterans Affairs  
7 shall jointly not later than 1 year after the date of  
8 the enactment of this section establish and maintain  
9 a website that provides language resources for credi-  
10 tors, servicers, and consumers.

11 (2) WEBSITE REQUIREMENTS.—The website de-  
12 veloped pursuant to paragraph (1) shall include—

13 (A) the translations of documents pub-  
14 lished pursuant to section 129I(c) of the Truth  
15 in Lending Act;

16 (B) a glossary of terms relating to residen-  
17 tial mortgage loans and federally related mort-  
18 gage loans, provided in each commonly spoken  
19 language;

20 (C) guidance for creditors and servicers  
21 working with persons who have a preferred lan-  
22 guage that is not English; and

23 (D) examples of notices that may be used  
24 by creditors and servicers to inform persons of  
25 available language services, provided in accord-

1           ance with section 6(n)(2) of the Real Estate  
2           Settlement Procedures Act of 1974 and section  
3           129I of the Truth in Lending Act.

4           (f) ADVISORY GROUP.—

5           (1) IN GENERAL.—The Director of the Bureau  
6           of Consumer Financial Protection shall establish an  
7           advisory group consisting of stakeholders, including  
8           industry groups, consumer groups, civil rights  
9           groups, and groups that have experience improving  
10          language access in housing finance transactions, to  
11          provide advice to the Director about—

12           (A) issues that arise relating to mortgage  
13          origination and servicing processes for persons  
14          with a preferred language that is not English;  
15          and

16           (B) the development of the standard lan-  
17          guage preference form by the Director under  
18          section 129I(a) of the Truth in Lending Act;

19           (C) updates to the language resource  
20          website established by the Director of the Bu-  
21          reau of Consumer Financial Protection, the  
22          Secretary of Housing and Urban Development,  
23          the Director of the Federal Housing Finance  
24          Agency, the Secretary of Agriculture, and the

1 Secretary of Veterans Affairs under subsection  
2 (e).

3 (2) REQUIRED CONSULTING.—The Director of  
4 the Bureau of Consumer Financial Protection shall  
5 consult with the advisory group established pursuant  
6 to paragraph (1) with respect to any issues that  
7 arise relating to mortgage origination and servicing  
8 processes for persons with a preferred language that  
9 is not English.

10 (g) HOUSING COUNSELING AGENCY LANGUAGE RE-  
11 SOURCES.—

12 (1) ENHANCED SEARCH CAPABILITIES.—

13 (A) HUD.—The Secretary of Housing and  
14 Urban Development shall not later than 1 year  
15 after the date of the enactment of this section  
16 update the website maintained by the Secretary  
17 that identifies housing counselors approved by  
18 the Department of Housing and Urban Devel-  
19 opment, to allow for searching for housing  
20 counseling agencies based on the language serv-  
21 ices they provide.

22 (B) BUREAU.—The Director of the Bureau  
23 of Consumer Financial protection shall not later  
24 than 1 year after the date of the enactment of  
25 this section update the website maintained by



1           the Director that identifies housing counselors  
2           approved by the Department of Housing and  
3           Urban Development, to allow for searching for  
4           housing counseling agencies based on the lan-  
5           guage services they provide.

6           (2) AUTHORIZATION OF APPROPRIATIONS.—

7           There is authorized to be appropriated to the Sec-  
8           retary of the Department of Housing and Urban De-  
9           velopment, such sums as are necessary to support  
10          language training for HUD-approved housing coun-  
11          selors, counseling agencies, and their staff.

12          (h) DEFINITIONS.—In this section—

13           (1) The term “creditor” has the meaning given  
14           the term in section 103 of the Truth in Lending Act  
15           and shall include any assignee of a creditor.

16           (2) The term “director” means the Director of  
17           the Bureau of Consumer Financial Protection.

18           (3) The term “servicer” has the meaning given  
19           the term in section 6(i) of the Real Estate Settle-  
20           ment Procedures Act of 1974.

21           (4) The term “residential mortgage loan” has  
22           the meaning given the term in section 103 of the  
23           Truth in Lending Act.

1           (5) The term “federally related mortgage loan”  
2           has the meaning given the term in section 3 of the  
3           Real Estate Settlement Procedures Act of 1974.

