

[DISCUSSION DRAFT]

117TH CONGRESS
2^D SESSION

H. R. _____

To improve the mortgage servicing process for homeowners by providing additional protections with the goal of ensuring homeowners can remain in their homes whenever possible, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To improve the mortgage servicing process for homeowners by providing additional protections with the goal of ensuring homeowners can remain in their homes whenever possible, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preventing Unfair
5 Foreclosures Act of 2022”.

1 **TITLE I—MORTGAGE SERVICING.**

2 **SEC. 101. ADDITIONAL SERVICER OBLIGATIONS RELATED**
3 **TO FORECLOSURE.**

4 (a) IN GENERAL.—Section 6 of the Real Estate Set-
5 tlement Procedures Act of 1974 (12 U.S.C. 2605) is
6 amended by adding at the end the following:

7 “(n) ADDITIONAL SERVICER OBLIGATIONS RELATED
8 TO FORECLOSURE.—

9 “(1) NOTICE REQUIREMENT.—

10 “(A) IN GENERAL.—A servicer of a feder-
11 ally related mortgage loan shall provide, to each
12 delinquent borrower, a written notice with the
13 information set forth in subparagraph (B) not
14 later than the forty-fifth day of the borrower’s
15 delinquency and again not later than 45 days
16 after each payment due date so long as the bor-
17 rower remains delinquent.

18 “(B) CONTENTS OF NOTICE.—Each notice
19 required under subparagraph (A) shall in-
20 clude—

21 “(i) a statement encouraging the bor-
22 rower to contact the servicer;

23 “(ii) the telephone number to access
24 servicer personnel;

1 “(iii) the mailing addresses and
2 websites of the servicer for sending pay-
3 ments, correspondence, and requests for
4 loss mitigation;

5 “(iv) an identification of the entities
6 that own, insure, or guarantee the loan;

7 “(v) if applicable, information about
8 forbearance extensions that may be avail-
9 able to the borrower;

10 “(vi) a description of representative
11 examples of types of loss mitigation op-
12 tions for the borrower’s type of loan that
13 may be available to the borrower;

14 “(vii) a statement informing the bor-
15 rower how to obtain more information
16 about loss mitigation options from the
17 servicer;

18 “(ix) directions to access the online
19 lists of housing counseling agencies ap-
20 proved by the Secretary of Housing and
21 Urban Development and located on the
22 websites of the Department of Housing
23 and Urban Development and the Bureau
24 of Consumer Financial Protection;

1 “(x) a list of housing counseling agen-
2 cies approved by the Secretary of Housing
3 and Urban Development that are located
4 in the State in which the borrower resides
5 and contact information for such agencies;

6 “(xi) the Department of Housing and
7 Urban Development toll-free telephone
8 number available for accessing housing
9 counseling agencies; and

10 “(xii) information about the rights of
11 the borrower under the Fair Housing Act,
12 the Truth in Lending Act and this Act,
13 and information about how to file com-
14 plaints under such Acts.

15 “(2) DELINQUENCY OF GREATER THAN 120
16 DAYS REQUIRED.—

17 “(A) IN GENERAL.—A servicer may not
18 make a foreclosure-related action unless a fed-
19 erally related mortgage loan obligation is more
20 than 120 days delinquent, excluding any period
21 during which the borrower was in forbearance.

22 “(B) FORECLOSURE-RELATED ACTION.—
23 For the purposes of this paragraph, the term
24 ‘foreclosure-related action’ means making the
25 first notice or filing required by applicable law

1 for any judicial or non-judicial foreclosure proc-
2 ess, including—

3 “(i) initiating or proceeding with any
4 judicial or non-judicial foreclosure process;

5 “(ii) scheduling a foreclosure sale;

6 “(iii) moving for a foreclosure judg-
7 ment or order of sale;

8 “(iv) executing a foreclosure-related
9 eviction or foreclosure sale; or

10 “(v) charging, assessing, or incurring
11 any foreclosure-related fees, such as attor-
12 ney’s fees, property inspection fees, or title
13 fees.”.

14 **SEC. 102. ESCROW ANALYSIS AFTER FORBEARANCE.**

15 Section 6(g) of the Real Estate Settlement Proce-
16 dures Act of 1974 (12 U.S.C. 2605(g)) is amended—

17 (1) by striking “If the terms” and inserting

18 “(1) IN GENERAL.—If the terms”; and

19 (2) by adding at the end the following:

20 “(2) ESCROW ANALYSIS BEFORE LOAN MODI-
21 FICATION.—

22 “(A) IN GENERAL.—If the terms of any
23 federally related mortgage loan, including any
24 permanent loss mitigation option in connection
25 with such mortgage, require a borrower to

1 make payments to the servicer of the loan for
2 deposit into an escrow account, the servicer
3 shall, before offering the borrower a permanent
4 loss mitigation option—

5 “(i) conduct an escrow account anal-
6 ysis to determine whether a shortage, sur-
7 plus, or deficiency exists; and

8 “(ii) notify the borrower whether the
9 amount of any shortage or deficiency will
10 be repaid by the borrower under the terms
11 of a permanent loss mitigation option of-
12 fered to the borrower or whether the
13 servicer will require the borrower to pay
14 additional monthly deposits into the escrow
15 account to eliminate the shortage or defi-
16 ciency; and

17 “(iii) notify the borrower of the
18 amount of any additional monthly deposits
19 into the escrow account that may be re-
20 quired.

21 “(B) CAPITALIZATION AND DEFERRAL.—A
22 servicer shall capitalize the amount of any
23 shortage or deficiency into loan modifications or
24 defer the amount of such shortage or deficiency
25 until the end of the loan.”.

1 **SEC. 103. OPTIONAL DELAY FOR CALLING HELM LOANS**
2 **DUE AND PAYABLE.**

3 Section 255 of the National Housing Act (12 U.S.C.
4 1715z-20) is amended by inserting after subsection (j) the
5 following:

6 “(k) HOME RETENTION.—A mortgagee may refrain
7 from submitting a due and payable request to the Sec-
8 retary or may withdraw a due and payable request if—

9 “(1) the mortgage to which the due and payable
10 request would relate—

11 “(A) is insured under this section; and

12 “(B) is in default because the mortgagor
13 failed to make payment on applicable home-
14 owners association fees, ground rents, special
15 assessments, taxes, or insurance required under
16 the mortgage;

17 “(2) the amount of total arrearages owed by
18 the mortgagor to the mortgagee with respect to the
19 mortgage is less than \$25,000.”.

20 **SEC. 104. REPORT ON CONSUMER COMPLAINTS RELATED**
21 **TO MORTGAGE LOAN MODIFICATIONS.**

22 Section 1013(b)(3) of the Consumer Financial Pro-
23 tection Act of 2010 (12 U.S.C. 5493(b)(3)) is amended
24 in subparagraph (D), by adding at the end the following:

25 “As part of the data sharing required under this subpara-
26 graph, the Secretary of Housing and Urban Development,

1 the Director of the Federal Housing Finance Agency, the
2 Secretary of Agriculture, and the Secretary of Veterans
3 Affairs shall make available, to the Bureau, information
4 about forbearances, modifications, and other loss mitiga-
5 tion initiatives undertaken by such agencies (including,
6 with respect to the Director of the Federal Housing Fi-
7 nance Agency, such initiatives undertaken by the Federal
8 National Mortgage Association or the Federal Home Loan
9 Mortgage Corporation).”.

10 **SEC. 105. INFORMATION SHARING WITH RESPECT TO CON-**
11 **SUMER COMPLAINTS.**

12 Section 1013(b)(3)(A) of the Consumer Financial
13 Protection Act of 2010 is amended by striking “where ap-
14 propriate.” and inserting “where appropriate, and coordi-
15 nate with such agencies to resolve such complaints”.

16 **SEC. 106. INFORMATION SHARING AND COORDINATION**
17 **WITH RESPECT TO SERVICERS.**

18 (a) FHFA COORDINATION WITH THE CONFERENCE
19 OF STATE BANK SUPERVISORS.—The Federal Housing
20 Enterprises Financial Safety and Soundness Act of 1992
21 (12 U.S.C. 4501 et seq.) is amended by inserting after
22 section 1328 the following:

1 **“SEC. 1329. COORDINATION WITH THE CONFERENCE OF**
2 **STATE BANK SUPERVISORS.**

3 “(a) IN GENERAL.—The Director shall, where pos-
4 sible—

5 “(1) coordinate with the Conference of State
6 Bank Supervisors; and

7 “(2) regularly consult the Conference of State
8 Bank Supervisors with respect to safety and sound-
9 ness risks, risks relating to violations of fair housing
10 and fair lending laws, related to persons or entities
11 that are licensed by the State to provide services to
12 regulated entities.

13 “(b) EXCHANGE OF REGULATORY AND SUPERVISORY
14 INFORMATION.—

15 “(1) IN GENERAL.—The Director may enter
16 into agreements with the Conference of State Bank
17 Supervisors to facilitate the exchange of regulatory
18 and supervisory information between the Agency and
19 the Conference of State Bank Supervisors.

20 “(2) TREATMENT OF INFORMATION.—Any reg-
21 ulatory and supervisory information shared by the
22 Director with the Conference of State Bank Super-
23 visors and any regulatory and supervision informa-
24 tion shared by the Conference of State Bank Super-
25 visors with the Director under this section shall be
26 subject to the confidentiality requirements described

1 in section 1512 of the S.A.F.E. Mortgage Licensing
2 Act of 2008.”.

3 (b) GINNIE MAE AND FANNIE MAE COORDINATION
4 WITH THE CONFERENCE OF STATE BANK SUPER-
5 VISORS.—Section 309 of the Housing Act of 1954 (12
6 U.S.C. 1723a) is amended by adding at the end the fol-
7 lowing:

8 “(p) COORDINATION WITH THE CONFERENCE OF
9 STATE BANK SUPERVISORS.—

10 “(1) IN GENERAL.—The Association and the
11 Corporation shall, where possible—

12 “(A) coordinate with the Conference of
13 State Bank Supervisors; and

14 “(B) regularly consult the Conference of
15 State Bank Supervisors with respect to safety
16 and soundness risks, including risks relating to
17 violations of fair housing and fair lending laws,
18 related to persons or entities that are licensed
19 by the State to provide services to regulated en-
20 tities.

21 “(2) EXCHANGE OF REGULATORY AND SUPER-
22 VISORY INFORMATION.—

23 “(A) IN GENERAL.—The Association may
24 enter into agreements with the Conference of
25 State Bank Supervisors to facilitate the ex-

1 change of regulatory and supervisory informa-
2 tion between the Association and the Con-
3 ference of State Bank Supervisors.

4 “(B) TREATMENT OF INFORMATION.—Any
5 regulatory and supervisory information shared
6 by the Association with the Conference of State
7 Bank Supervisors and any regulatory and su-
8 pervision information shared by the Conference
9 of State Bank Supervisors with the Association
10 under this section shall be subject to the con-
11 fidentiality requirements described in section
12 1512 of the S.A.F.E. Mortgage Licensing Act
13 of 2008.”.

14 **SEC. 107. COVID-19 AND OTHER NATIONAL EMERGENCY**
15 **MORTGAGE SERVICING.**

16 (a) LOSS MITIGATION OFFERINGS.—When evalu-
17 ating for loss mitigation a borrower experiencing a finan-
18 cial hardship due, directly or indirectly, to the COVID-
19 19 emergency or a national emergency event, the servicer
20 of the covered mortgage loan shall offer the borrower all
21 loss mitigation options for which the borrower qualifies,
22 regardless of whether the borrower was evaluated for loss
23 mitigation prior to exiting a COVID-related forbearance
24 or national emergency event-related forbearance.

1 (b) SERVICING REQUIREMENTS FOR NON-FEDER-
2 ALLY-BACKED LOANS.—

3 (1) COVID OR OTHER EMERGENCY RELIEF.—

4 Unless a borrower already received relief that meets
5 the requirements under this subsection prior to the
6 enactment of this Act, any mortgage servicer, mort-
7 gagee, beneficiary of the deed of trust, or authorized
8 agent thereof, shall, with respect to any non-feder-
9 ally-backed loan—

10 (A) provide COVID-related forbearance or
11 national emergency-related forbearance with the
12 same conditions and for the same period of
13 time as required by any one of the specified
14 Federal entities;

15 (B) offer to any borrower who was less
16 than three months delinquent with respect to a
17 covered mortgage loan as of March 1, 2020,
18 and who experienced a financial hardship due
19 directly or indirectly to the COVID–19 emer-
20 gency and is still delinquent at the time of such
21 offer, not less than one COVID-related perma-
22 nent loss mitigation option that, prior to satis-
23 faction of the mortgage loan—

24 (i) does not require the borrower to
25 repay any arrearages of principal or inter-

1 est, or any escrow advances made by the
2 servicer, resulting from any forbearance or
3 period of nonpayment in order to reinstate
4 the mortgage, including balloon payments;
5 and

6 (ii) does not otherwise increase in any
7 month in any amount attributable to the
8 borrower's pre-delinquency monthly prin-
9 cipal and interest payment other than as
10 the result of an adjustment of the applica-
11 ble index pursuant to the terms of an ad-
12 justable rate mortgage; and

13 (C) not offer any COVID-related perma-
14 nent loss mitigation option that—

15 (i) charges penalties or late fees in-
16 curred on or after March 1, 2020, or
17 charge any modification fees to the bor-
18 rower; or

19 (ii) charges additional interest beyond
20 the amounts scheduled or calculated as if
21 the borrower made all contractual pay-
22 ments on time and in full under the terms
23 of the mortgage contract in effect during
24 the time of nonpayment, including any for-
25 bearance, except to the extent that interest

1 is charged after the modification on any
2 amounts that are capitalized into the new
3 balance of a modified loan.

4 (2) DEEMED COMPLIANCE.—A servicer shall be
5 deemed to be in compliance with paragraph (1) if
6 such servicer offers permanent loss mitigation op-
7 tions to any borrower that is eligible for such perma-
8 nent loss mitigation options with the same terms as
9 those permanent loss mitigation options offered by a
10 specified Federal entity, and complies with any guid-
11 ance issued by such specified Federal entity with re-
12 spect to such permanent loss mitigation option that
13 is selected, including guidance relating to credit re-
14 porting and communications with borrowers.

15 (c) SAFE HARBOR.—

16 (1) SERVICERS.—A servicer of a non-federally-
17 backed loan—

18 (A) shall be deemed not to have violated
19 any duty or contractual obligation owed to in-
20 vestors in or other parties to a securitization of
21 such loan on account of compliance with sub-
22 section (b); and

23 (B) shall not on account of such compli-
24 ance with subsection (b) be—

1 (i) liable to any party who is owed
2 such a duty or obligation; or

3 (ii) subject to any injunction, stay, or
4 other equitable relief for the benefit of
5 such party.

6 (2) OTHER PERSONS.—Any person, including a
7 trustee of a securitization of non-federally-related
8 loans or other party involved in such a
9 securitization, who in good faith cooperates with the
10 efforts of a servicer of a non-federally-related loan to
11 comply with the terms of subsection (B), shall not
12 on account of its cooperation be—

13 (A) liable to any party to or investor in a
14 securitization of non-federally-related loans; or

15 (B) subject to any injunction, stay, or
16 other equitable relief.

17 (3) BORROWER RIGHTS UNAFFECTED.—Noth-
18 ing in this section shall affect or impair the rights
19 of a borrower of a non-federally-backed loan.

20 (d) DEFINITIONS.—In this section:

21 (1) COVERED MORTGAGE LOAN.—The term
22 “covered mortgage loan”—

23 (A) means any credit transaction that is
24 secured by a mortgage, deed of trust, or other
25 consensual security interest on a 1- to 4-unit

1 dwelling or on residential real property that in-
2 cludes a 1- to 4-unit dwelling; and

3 (B) does not include a credit transaction
4 under an open end credit plan other than a re-
5 verse mortgage.

6 (2) NON-FEDERALLY-BACKED LOAN.—The term
7 “non-federally-backed loan” means any covered
8 mortgage loan that is not made by, insured, guaran-
9 teed, purchased, or securitized by the Federal Na-
10 tional Mortgage Association, the Federal Home
11 Loan Mortgage Corporation, the Federal Housing
12 Administration, the Office of Public and Indian
13 Housing of the Department of Housing and Urban
14 Development, the Department of Veterans Affairs,
15 or the Rural Development division of the Depart-
16 ment of Agriculture.

17 (3) SPECIFIED FEDERAL ENTITY.—The term
18 “specified Federal entity” means the Federal Na-
19 tional Mortgage Association, the Federal Home
20 Loan Mortgage Corporation, and the Federal Hous-
21 ing Administration of the United States Department
22 of Housing and Urban Development.

23 **SEC. 108. REPORTS WITH RESPECT TO MORTGAGE LEND-**
24 **ING AND SERVICING DATA.**

25 (a) REPORTS ON COMPLIANCE.—

1 (1) COVID REPORTING.—Not later than 3
2 months after the date of the enactment of this sec-
3 tion, the Secretaries of Housing and Urban Develop-
4 ment, the Veterans Affairs, and Agriculture, and the
5 Directors of the Federal Housing Finance Agency,
6 and the Bureau of Consumer Financial Protection
7 shall each submit to the Congress and make publicly
8 available online a report about the impacts of the
9 COVID–19 pandemic on mortgage servicing that
10 contains the information required under this sub-
11 section.

12 (2) QUARTERLY REPORTING.—Following the
13 completion of reporting required under paragraph
14 (1), the Secretaries of the Housing and Urban De-
15 velopment, Veterans Affairs, and Agriculture, and
16 the Directors of the Federal Housing Finance Agen-
17 cy and the Bureau of Consumer Financial Protec-
18 tion shall each submit to the Congress and make
19 publicly available online each quarter a report that
20 contains the information required under this sub-
21 section.

22 (3) FHFA REPORT.—Each report submitted by
23 the Director of the Federal Housing Finance Agency
24 shall include—

1 (A) the number and unpaid principal bal-
2 ance for all residential mortgage loans,
3 disaggregated by type guaranteed by the Fed-
4 eral National Mortgage Association and the
5 Federal Home Loan Mortgage Corporation;

6 (B) the total number, unpaid principal bal-
7 ance, and length of forbearances provided to
8 borrowers, including whether or not the forbear-
9 ance was requested by the borrower;

10 (C) a detailed breakdown of the loan modi-
11 fications offered to borrowers and whether the
12 borrowers accepted the offer including the total
13 number and unpaid principal balance of loan
14 modifications ultimately made to borrowers; and

15 (D) a detailed breakdown of the home re-
16 tention options offered to borrowers and wheth-
17 er the borrowers accepted the offer including
18 the total number and unpaid principal balance
19 of other home retention options ultimately made
20 to borrowers.

21 (4) BUREAU REPORT.—Each report submitted
22 by the Director of the Bureau of Consumer Finan-
23 cial Protection shall, to the degree possible include—

24 (A) the number and unpaid principal bal-
25 ance for all non-federally-backed single-family

1 residential mortgages, disaggregated by loan
2 type;

3 (B) the total number, unpaid principal bal-
4 ance, and length of forbearances provided to
5 borrowers with respect to non-federally-backed
6 single-family residential mortgages, including
7 whether or not the forbearance was requested
8 by the borrower;

9 (C) a detailed breakdown of the loan modi-
10 fications offered to borrowers with respect to
11 non-federally-backed single-family residential
12 mortgages and whether the borrowers accepted
13 the offer including the total number and unpaid
14 principal balance of loan modifications ulti-
15 mately made to borrowers; and

16 (D) a detailed breakdown of the home re-
17 tention options offered to borrowers with re-
18 spect to non-federally-backed single-family resi-
19 dential mortgages and whether the borrowers
20 accepted the offer including the total number
21 and unpaid principal balance of other home re-
22 tention options ultimately made to borrowers.

23 (5) HUD REPORT.—Each report submitted by
24 the Secretary of Housing and Urban Development
25 shall, to the degree possible include—

1 (A) the number and unpaid principal bal-
2 ance for all applicable federally-backed single-
3 family residential mortgages, disaggregated by
4 loan type;

5 (B) the total number, unpaid principal bal-
6 ance, and length of forbearances provided to
7 borrowers with respect to applicable federally-
8 backed single-family residential mortgages, in-
9 cluding whether or not the forbearance was re-
10 quested by the borrower;

11 (C) a detailed breakdown of the loan modi-
12 fications offered to borrowers with respect to
13 applicable federally-backed single-family resi-
14 dential mortgages and whether the borrowers
15 accepted the offer including the total number
16 and unpaid principal balance of loan modifica-
17 tions ultimately made to borrowers; and

18 (D) a detailed breakdown of the home re-
19 tention options offered to borrowers with re-
20 spect to applicable federally-backed single-fam-
21 ily residential mortgages and whether the bor-
22 rowers accepted the offer including the total
23 number and unpaid principal balance of other
24 home retention options ultimately made to bor-
25 rowers.

1 (6) VA REPORT.—Each report submitted by the
2 Secretary of Veteran’s Affairs shall, to the degree
3 possible include—

4 (A) the number and unpaid principal bal-
5 ance for all applicable federally-backed single-
6 family residential mortgages, disaggregated by
7 loan type;

8 (B) the total number, unpaid principal bal-
9 ance, and length of forbearances provided to
10 borrowers with respect to applicable federally-
11 backed single-family residential mortgages, in-
12 cluding whether or not the forbearance was re-
13 quested by the borrower;

14 (C) a detailed breakdown of the loan modi-
15 fications offered to borrowers with respect to
16 applicable federally-backed single-family resi-
17 dential mortgages and whether the borrowers
18 accepted the offer including the total number
19 and unpaid principal balance of loan modifica-
20 tions ultimately made to borrowers; and

21 (D) a detailed breakdown of the home re-
22 tention options offered to borrowers with re-
23 spect to applicable federally-backed single-fam-
24 ily residential mortgages and whether the bor-
25 rowers accepted the offer including the total

1 number and unpaid principal balance of other
2 home retention options ultimately made to bor-
3 rowers.

4 (7) USDA REPORT.—Each report submitted by
5 the Secretary of Agriculture shall, to the degree pos-
6 sible include—

7 (A) the number and unpaid principal bal-
8 ance for all applicable federally-backed single-
9 family residential mortgages, disaggregated by
10 loan type;

11 (B) the total number, unpaid principal bal-
12 ance, and length of forbearances provided to
13 borrowers with respect to applicable federally-
14 backed single-family residential mortgages, in-
15 cluding whether or not the forbearance was re-
16 quested by the borrower;

17 (C) a detailed breakdown of the loan modi-
18 fications offered to borrowers with respect to
19 applicable federally-backed single-family resi-
20 dential mortgages and whether the borrowers
21 accepted the offer including the total number
22 and unpaid principal balance of loan modifica-
23 tions ultimately made to borrowers; and

24 (D) a detailed breakdown of the home re-
25 tention options offered to borrowers with re-

1 spect to applicable federally-backed single-fam-
2 ily residential mortgages and whether the bor-
3 rowers accepted the offer including the total
4 number and unpaid principal balance of other
5 home retention options ultimately made to bor-
6 rowers.

7 (b) INTER-AGENCY SUPERVISORY EXAMINATION.—

8 (1) IN GENERAL.—The Secretaries of Housing
9 and Urban Development, the Veterans Affairs, and
10 Agriculture, and the Directors of the Federal Hous-
11 ing Finance Agency, and the Bureau of Consumer
12 Financial Protection shall, until the end of the
13 COVID–19 pandemic conduct regular joint super-
14 visory examinations to ensure—

15 (A) lenders and servicers are in compliance
16 with all covered laws; and

17 (B) all borrowers are given same level of
18 relief under all covered laws.

19 (2) REPORT ON ENFORCEMENT ACTIVITIES.—

20 (A) IN GENERAL.—Not later than 6
21 months after the enactment of this Act and an-
22 nually thereafter, the Secretaries and Directors
23 shall jointly submit a report a to the Congress
24 with respect to the number and nature of en-
25 forcement activities performed and actions

1 taken as a result of joint supervisory examina-
2 tions undertaken pursuant to this subsection.

3 (B) REPORT CONTENTS.—The reports re-
4 quired under this paragraph shall contain—

5 (i) the number and type of any com-
6 plaints received each Secretary and Direc-
7 tor that relate to the covered laws;

8 (ii) the status of each such complaint
9 and whether such complaint was made on
10 the basis of a protected class under a civil
11 rights law;

12 (iii) a list of actions taken in response
13 to each complaint;

14 (iv) notation of whether the complain-
15 ant has a federally-backed or non-federally-
16 backed mortgage and the type of loan
17 products used by such complainant;

18 (v) the number of complaints that
19 were referred by such Secretary or Direc-
20 tor to another agency, including the De-
21 partment of Justice.

22 (c) DISAGGREGATION.—All information required to
23 be included in a report under this section shall to the de-
24 gree possible be disaggregated—

1 (1) geographically, at the census tract level, un-
2 less census tract level data is not available and in
3 such a case instead at the zip code level,

4 (2) by race, ethnicity, national origin, gender,
5 disability status,

6 (3) by whether or not the borrower seeking or
7 obtaining assistance speaks English as a second lan-
8 guage,

9 (4) by the preferred language of the borrower,

10 (5) by the debt-to-income level of the borrower,

11 (6) by the loan-to-value ratio of the loan, and

12 (7) by credit score of the borrower.

13 (d) PRIVACY PROTECTION.—

14 (1) IN GENERAL.—The reports submitted to the
15 Congress pursuant to this section may not make
16 available any personally identifiable information.

17 (2) DISCRETION TO DELETE OR MODIFY
18 DATA.—The Secretaries and Directors submitting
19 reports under this section may, at their discretion,
20 delete or modify information collected under this sec-
21 tion which is or will be available to the public, if the
22 Secretaries and Directors determine that the dele-
23 tion or modification of the data would advance a pri-
24 vacy interest.

1 (e) COVERED LAW DEFINED.—For the purposes of
2 this section, the term “covered law” means—

3 (1) the Fair Housing Act of 1968;

4 (2) the Equal Credit Opportunity Act;

5 (3) the Community Reinvestment Act of 1977;

6 (4) the Federal Housing Enterprises Financial
7 Safety and Soundness Act of 1992;

8 (5) the Housing and Economic Recovery Act of
9 2008;

10 (6) Federal Home Loan Bank Act;

11 (7) Executive Orders 11063 and 12892;

12 (8) the Federal National Mortgage Association
13 Charter Act; and

14 (9) the Federal Home Loan Mortgage Corpora-
15 tion Act.

16 **TITLE II**

17 **SEC. 201. HUD-APPROVED HOUSING COUNSELING AGEN-** 18 **CIES.**

19 (a) OUTREACH ATTEMPT BY HOUSING COUNSELING
20 AGENCY.—

21 (1) IN GENERAL.—A servicer who seeks to ini-
22 tiate foreclosure on a federally related mortgage loan
23 and who is unable to obtain a response from out-
24 reach attempts to the borrower required under this
25 Act shall contract with and fully compensate a hous-

1 ing counseling agency approved by the Secretary of
2 Housing and Urban Development to provide out-
3 reach and housing counseling services to the bor-
4 rower, at no cost to the borrower, not less than 60
5 days prior to the date on which the servicer takes
6 any additional foreclosure-related action.

7 (2) LIMITATION ON LIABILITY.—A housing
8 counseling agency contracted by a servicer pursuant
9 to this paragraph may not be found liable under this
10 section.

11 (b) COORDINATION WITH HOUSING COUNSELING
12 AGENCIES.—If a borrower has received assistance from a
13 housing counseling agency approved by the Secretary of
14 Housing and Urban Development with respect to a feder-
15 ally-related mortgage loan, after obtaining or receiving
16 consent from the borrower in writing—

17 (1) ensure that all communications with respect
18 to such loan are provided to the borrower and the
19 housing counseling agency from which the borrower
20 has received assistance; and

21 (2) provide the housing counseling agency from
22 which the borrower has received assistance with the
23 contact information for a senior manager that such
24 housing counseling agency may use to elevate issues
25 relating to case evaluation errors, procedural errors,

1 and other problems identified by the Director of the
2 Bureau of Consumer Financial Protection, in coordi-
3 nation with the Secretary of Housing and Urban
4 Development, as problems that may be elevated in
5 such manner.

6 (c) LOSS MITIGATION PACKAGES.—A servicer shall
7 accept any supporting or additional materials, for inclu-
8 sion in a loss mitigation application, that—

9 (1) are prepared by a housing counseling agen-
10 cy approved by the Secretary of the Department of
11 Housing and Urban Development; and

12 (2) comply with sections 204(a) and 230 of the
13 National Housing Act and part 203 of title 24 of the
14 Code of Federal Regulations.

15 (d) SUPPORT FOR HOUSING COUNSELING AGEN-
16 CIES.—The Secretary of Housing and Urban Development
17 shall provide financial assistance to housing counseling
18 agencies approved by the Department of Housing and
19 Urban Development to be used by such housing counseling
20 agencies to provide—

21 (1) nonfinancial assistance to borrowers with
22 mortgage loans for which forbearance is terminating;
23 and

24 (2) outreach to delinquent borrowers and home-
25 owners who are facing foreclosure.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated for fiscal year 2022
3 \$25,000,000 in supplementary funding to the Secretary
4 of Housing and Urban Development to make grants under
5 this section.

6 **TITLE III**

7 **SEC. 301. OFFICE OF THE HOMEOWNER ADVOCATE.**

8 (a) ESTABLISHMENT.—There is established, in the
9 Bureau of Consumer Financial Protection, an office to be
10 known as the “Office of the Homeowner Advocate” (in
11 this Act referred to as the “Office”).

12 (b) DIRECTOR.—

13 (1) IN GENERAL.—The Ombudsman of the Of-
14 fice of the Homeowner Advocate (in this Act re-
15 ferred to as the “Ombudsman”) shall report directly
16 to the Director of the Bureau of Consumer Finan-
17 cial Protection and shall be entitled to compensation
18 at the same rate as the highest rate of basic pay es-
19 tablished for the Senior Executive Service under sec-
20 tion 5382 of title 5, United States Code.

21 (2) APPOINTMENT.—The Ombudsman shall be
22 appointed by the Director, and without regard to the
23 provisions of title 5, United States Code, relating to
24 appointments in the competitive service or the Sen-
25 ior Executive Service.

1 (3) QUALIFICATIONS.—An individual appointed
2 under paragraph (2) shall have—

3 (A) experience as an advocate for home-
4 owners; and

5 (B) experience dealing with mortgage
6 servicers.

7 (4) RESTRICTION ON EMPLOYMENT.—An indi-
8 vidual may be appointed as Ombudsman only if such
9 individual was not an officer or employee of a mort-
10 gage servicer during the 4-year period preceding the
11 date of such appointment.

12 (5) HIRING AUTHORITY.—The Ombudsman
13 shall have the authority to hire staff, obtain support
14 by contract, and manage the budget of the Office of
15 the Homeowner Advocate.

16 **SEC. 302. FUNCTIONS OF THE OFFICE.**

17 (a) IN GENERAL.—It shall be the function of the Of-
18 fice—

19 (1) to assist homeowners, housing counselors,
20 and housing lawyers in resolving problems associated
21 with providing loan modifications to homeowners to
22 avoid foreclosure;

23 (2) to identify areas, both individual and sys-
24 tematic, in which homeowners, housing counselors,
25 and housing lawyers have problems associated with

1 securing loan modifications for homeowners to avoid
2 foreclosure;

3 (3) to the extent possible, to propose changes in
4 administrative practices associated with providing
5 loan modifications to homeowners to avoid fore-
6 closure, to mitigate problems identified under para-
7 graph (2);

8 (4) to identify potential legislative changes
9 which may be appropriate to mitigate such problems;
10 and

11 (5) to implement other programs and initiatives
12 that the Ombudsman deems important to assisting
13 homeowners, housing counselors, and housing law-
14 yers in resolving problems associated with providing
15 loan modifications to homeowners to avoid fore-
16 closure, which may include—

17 (A) running a triage hotline for home-
18 owners at risk of foreclosure;

19 (B) providing homeowners with access to
20 housing counseling programs of the Department
21 of Housing and Urban Development at no cost
22 to the homeowner;

23 (C) developing Internet tools relating to
24 loan modifications to avoid foreclosure; and

1 (D) developing training and educational
2 materials.

3 (b) AUTHORITY.—

4 (1) IN GENERAL.—Staff designated by the Om-
5 budsman shall have the authority to implement
6 servicer remedies, on a case-by-case basis, subject to
7 the approval of the Director of the Bureau of Con-
8 sumer Financial Protection.

9 (2) RESOLUTION OF HOMEOWNER CON-
10 CERNS.—The Office shall, to the extent possible, re-
11 solve all homeowner concerns not later than 30 days
12 after the opening of a case with such homeowner.

13 (c) COMMENCEMENT OF OPERATIONS.—The Office
14 shall commence its operations, as required by this Act, not
15 later than 3 months after the date of enactment of this
16 Act.

17 **SEC. 303. RELATIONSHIP WITH EXISTING ENTITIES.**

18 (a) REVIEW.—The Office shall coordinate and cen-
19 tralize review of all complaints with respect to mortgage
20 servicing that are collected in the Bureau of Consumer
21 Financial Protection's database of complaints and work
22 with other Federal agencies as needed to resolve such com-
23 plaints.

24 (b) SHARE.—The consumer complaint database es-
25 tablished by the Director of the Bureau of Consumer Fi-

1 nancial Protection pursuant to section 1013 of the Con-
2 sumer Protection Act of 2010 shall share all complaints
3 relating to mortgage servicing to the Office.

4 (c) COORDINATION.—The Office shall coordinate
5 with the compliance office of the Office of Financial Sta-
6 bility of the Department of the Treasury and the Home-
7 ownership Preservation Office of the Department of the
8 Treasury.

9 **SEC. 304. REPORTS TO CONGRESS.**

10 (a) TESTIMONY.—The Ombudsman shall be available
11 to testify before the Committee on Banking, Housing, and
12 Urban Affairs of the Senate and the Committee on Finan-
13 cial Services of the House of Representatives, not less fre-
14 quently than 4 times a year, or at any time at the request
15 of the Chairs of either committee.

16 (b) REPORTS.—Once annually, the Ombudsman shall
17 provide a detailed report to Congress describing all mort-
18 gage servicing complaints received by the Bureau of Con-
19 sumer Financial Protection and the resolution of such
20 complaints. Such report shall contain full and substantive
21 analysis, in addition to statistical information and in-
22 clude—

23 (1) data and analysis of the types and volume
24 of complaints received from homeowners, housing
25 counselors, and housing lawyers, broken down by

1 category of servicer, except that servicers may not be
2 identified by name in the report;

3 (2) a summary of not fewer than 20 of the
4 most serious problems encountered by homeowners
5 who are facing foreclosure, including a description of
6 the nature of such problems;

7 (3) data and analysis on the resolutions of the
8 complaints received from homeowners, housing coun-
9 selors, and housing lawyers;

10 (4) identification of any programs or initiatives
11 that the Office has taken to improve the mortgage
12 servicing process for homeowners;

13 (5) recommendations for such administrative
14 and legislative action as may be appropriate to re-
15 solve problems encountered by homeowners who are
16 facing foreclosure; and

17 (6) such other information as the Ombudsman
18 may deem advisable.

19 **TITLE IV**

20 **SEC. 401. LANGUAGE ACCESS REQUIREMENTS AND RE-** 21 **SOURCES.**

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

1 **“§ 129I. Language access requirements.**

2 “(a) STANDARD LANGUAGE PREFERENCE FORM.—
3 Not later than 90 days after the date of the enactment
4 of this section, the Director of the Bureau of Consumer
5 Financial Protection shall, after consulting with the Sec-
6 retary of Agriculture, the Director of the Federal Housing
7 Finance Agency, the Secretary of Veterans Affairs, and
8 the Commissioner of the Federal Housing Authority, issue
9 a rule establishing a standard language preference form
10 that includes a standard language preference question
11 asked in each of the 8 languages most commonly spoken
12 by individuals with limited English proficiency, as deter-
13 mined by the Director of the Bureau using information
14 published by the Director of the Bureau of the Census.

15 “(b) REQUIREMENTS FOR CREDITORS.—

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

18 “(A) INCLUSION IN APPLICATION.—Each
19 creditor shall include, as part of the application
20 package used in connection with a residential
21 mortgage loan, the standard language pref-
22 erence form established by the Director of the
23 Bureau under subsection (a).

24 “(B) INCLUSION OF DISCLOSURE.—Each
25 creditor may include with such standard lan-

1 guage preference form a disclosure stating
2 that—

3 “(i) documents and services may not
4 be available in the preferred language indi-
5 cated by the consumer on the standard
6 language preference form; and

7 “(ii) the English version of any docu-
8 ment to which such form applies is the of-
9 ficial and operative document and the
10 translated version is for informational pur-
11 poses only.

12 “(C) DOCUMENTATION AND TRANSFER OF
13 PREFERRED LANGUAGE INFORMATION.—If a
14 creditor receives information about a language
15 preference of a consumer through the standard
16 language preference form from another creditor
17 or a servicer or a borrower, such creditor shall
18 document this language preference in each file
19 and electronic file of information associated
20 with such consumer and shall transfer such in-
21 formation and the standard language preference
22 form to any servicer of the loan.

23 “(2) PROVISION OF TRANSLATED DOCU-
24 MENTS.—If a Federal agency or a State or local
25 agency in the State or locality in which the residen-

1 tial property is located has produced a translation of
2 a document used in association with the origination
3 of a residential mortgage loan in the preferred lan-
4 guage of a consumer documented by a creditor pur-
5 suant to paragraph (1)(C), such creditor shall—

6 “(A) provide such translated document in
7 addition to any English version of such docu-
8 ment that is provided to such consumer who in-
9 dicated such preferred language; and

10 “(B) include in the English and translated
11 versions—

12 “(i) a notice indicating that the
13 English version of such document is the of-
14 ficial and operative document and the
15 translated version is for informational pur-
16 poses only;

17 “(ii) the website established under
18 paragraph (6); and

19 “(iii) a notice of any available oral in-
20 terpretation services described in para-
21 graph (3).

22 “(3) ORAL INTERPRETATION SERVICES.—

23 “(A) IN GENERAL.—If a creditor receives
24 information about a language preference of a
25 consumer through the standard language pref-

1 erence form from another creditor or a servicer
2 or a borrower, such creditor shall provide oral
3 interpretation to such consumer.

4 “(B) CREDITOR-PROVIDED ORAL INTER-
5 PRETATION SERVICES.—If a creditor is required
6 under subparagraph (A) to provide oral inter-
7 pretation to a consumer, such creditor—

8 “(i) shall ensure qualified oral inter-
9 pretation services, as defined by the Direc-
10 tor of the Bureau, are made available in
11 the preferred language of the borrower for
12 all oral communications between the cred-
13 itor and the borrower; and

14 “(ii) may provide such services
15 through qualified staff of the creditor or a
16 third party.

17 “(C) AMERICAN SIGN LANGUAGE INTER-
18 PRETATION SERVICES.—If a creditor is required
19 under subparagraph (A) to provide oral inter-
20 pretation services to a consumer, and if such
21 consumer has indicated a preference for Amer-
22 ican Sign Language, such creditor shall ensure
23 qualified American Sign Language interpreta-
24 tion services, as defined by the Director of the
25 Bureau, are made available to the consumer for

1 all oral communications between such creditor
2 and the consumer, where such American Sign
3 Language interpretation services may be pro-
4 vided by qualified staff of the creditor or a
5 qualified third party.

6 “(4) NOTICE OF AVAILABLE LANGUAGE SERV-
7 ICES.—If a creditor receives information about a
8 language preference of a consumer through the
9 standard language preference form from another
10 creditor or a servicer or a borrower, such creditor
11 shall not later than 30 business days after receiving
12 such information and not less than 14 days before
13 any closing, notify such consumer in writing, in the
14 preferred language of the consumer, of any language
15 services available, including the services described in
16 paragraphs (2) and (3).

17 “(5) TRANSFER OF LANGUAGE PREFERENCE
18 INFORMATION.—If a creditor transfers the servicing
19 associated with a residential mortgage loan, such
20 creditor shall notify the transferee servicer at the
21 time of transfer of any known language preference
22 of the consumer associated with such residential
23 mortgage loan.

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

1 “(A) links to and explanatory information
2 about the websites maintained by the Secretary
3 of Housing and Urban Development and the
4 Director of the Bureau of Consumer Financial
5 Protection that identify housing counselors ap-
6 proved by the Department of Housing and
7 Urban Development; and

8 “(B) a link to and explanatory information
9 about the language resources website estab-
10 lished by the Director of the Bureau of Con-
11 sumer Financial Protection, the Secretary of
12 Housing and Urban Development, the Director
13 of the Federal Housing Finance Agency, the
14 Secretary of Agriculture, and the Secretary of
15 Veterans Affairs under section 312(f) of the Fi-
16 nancial Services Racial Equity, Inclusion, and
17 Economic Justice Act.

18 “(c) TRANSLATION OF MORTGAGE DOCUMENTS.—
19 With respect to each document published by the Federal
20 Housing Finance Agency, the Bureau of Consumer Finan-
21 cial Protection, the Department of Housing and Urban
22 Development, the Department of Veterans Affairs, and
23 the Department of Agriculture and used in association
24 with a residential mortgage loan, including origination and
25 servicing documents, the Director of the Bureau of Con-

1 sumer Financial Protection and the Director of the Fed-
2 eral Housing Finance Agency shall jointly—

3 “(1) not later than 180 days after the date of
4 the enactment of this section, publish versions of
5 such documents translated into each of the 8 lan-
6 guages most commonly spoken by individuals with
7 limited English proficiency, as determined by the Di-
8 rector of the Bureau of Consumer Financial Protec-
9 tion using information published by the Director of
10 the Bureau of the Census; and

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

20 “(d) RULEMAKING.—The Director of the Bureau of
21 Consumer Financial Protection shall, not later than 1 year
22 after the date of the enactment of this section, issue regu-
23 lations to implement this section that shall take effect not
24 later than 18 months after the date of the enactment of
25 this section.”.

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

4 “(n) LANGUAGE ACCESS REQUIREMENTS.—

5 “(1) IN GENERAL.—

6 “(A) INCLUSION IN NOTICES.—Each
7 servicer shall include the standard language
8 preference form established by the Director of
9 the Bureau under subsection (a) with—

10 “(i) any notice required under section
11 1024.39(b) of title 12, Code of Federal
12 Regulations;

13 “(ii) any notice required under section
14 5(c);

15 “(iii) any notice required under sec-
16 tion 1024.41(b)(2) of title 12, Code of
17 Federal Regulations;

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

21 “(v) any other additional notice as the
22 Director of the Bureau of Consumer Fi-
23 nancial Protection determines necessary.

24 “(B) INCLUSION OF DISCLOSURES.—A
25 servicer may include with the standard lan-

1 guage preference form a disclosure stating that
2 documents and services may not be available in
3 the preferred language of the borrower indi-
4 cated by the consumer on the standard lan-
5 guage preference form.

6 “(C) DOCUMENTATION AND TRANSFER OF
7 PREFERRED LANGUAGE INFORMATION.—If a
8 servicer receives information about a language
9 preference of a borrower through the standard
10 language preference form from another servicer
11 or creditor or from the borrower, such servicer
12 shall document this language preference in each
13 file or electronic file of information associated
14 with such borrower.

15 “(2) REQUIRED LANGUAGE SERVICES FOR
16 SERVICERS.—

17 “(A) PROVISION OF TRANSLATED DOCU-
18 MENTS.—If a Federal agency, or a State or
19 local agency in the State or locality in which
20 the property securing the federally related
21 mortgage loan is to be located has produced a
22 translation of a document used in association
23 with the servicing of a federally related mort-
24 gage loan in the preferred language of a bor-

1 rower as documented by the servicer pursuant
2 to paragraph (1)(C), the servicer shall—

3 “(i) provide such translated document
4 in addition to any English version of such
5 document that is provided to such bor-
6 rower; and

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

13 “(B) ORAL INTERPRETATION SERVICES.—

14 “(i) IN GENERAL.—If a servicer re-
15 ceives information about a language pref-
16 erence of a borrower through the standard
17 language preference form from another
18 creditor or a servicer or from the borrower,
19 such servicer shall provide oral interpreta-
20 tion to such borrower.

21 “(ii) ORAL INTERPRETATION SERV-
22 ICES.—If a servicer is required under sub-
23 paragraph (A) to provide oral interpreta-
24 tion services to a borrower, such servicer—

1 “(I) shall ensure qualified oral
2 interpretation services, as defined by
3 the Director of the Bureau, are made
4 available in the preferred language of
5 the borrower for all oral communica-
6 tions between the servicer and the
7 borrower; and

8 “(II) may provide such services
9 through qualified staff of the borrower
10 or a qualified third party.

11 “(3) NOTICE OF AVAILABLE LANGUAGE SERV-
12 ICES.—If a servicer receives information about a
13 language preference of a borrower through the
14 standard language preference form from another
15 creditor or a servicer or from the borrower, such
16 servicer shall, not later than 30 business days after
17 receiving such information and not less than 30 days
18 before any foreclosure sale of the property secured
19 by the federally related mortgage loan of the bor-
20 rower, notify such borrower in writing, in the pre-
21 ferred language of the borrower, of any language
22 services available, including the services required
23 under paragraph (2).

24 “(4) TRANSFER OF LANGUAGE PREFERENCE
25 INFORMATION.—If a servicer transfers the servicing

1 associated with a federally related mortgage loan,
2 such servicer shall notify the transferee servicer at
3 the time of the transfer of servicing of any known
4 language preference of the borrower associated with
5 such federally related mortgage loan.

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

11 “(6) INFORMATION ON WEBSITE.—Each
12 servicer shall publish on its website, in a clear and
13 conspicuous manner—

14 “(A) links to and information about the
15 websites maintained by the Secretary of Hous-
16 ing and Urban Development and the Director
17 of the Bureau of Consumer Financial Protec-
18 tion that identify housing counselors approved
19 by the Department of Housing and Urban De-
20 velopment; and

21 “(B) a link to and information about the
22 language resources website established by the
23 Director of the Bureau of Consumer Financial
24 Protection, the Secretary of Housing and
25 Urban Development, the Director of the Fed-

1 eral Housing Finance Agency, the Secretary of
2 Agriculture, and the Secretary of Veterans Af-
3 fairs under section 312(f) of the Financial
4 Services Racial Equity, Inclusion, and Eco-
5 nomic Justice Act.

6 “(7) TRANSLATION OF MORTGAGE DOCU-
7 MENTS.—With respect to each document published
8 by the Federal Housing Finance Agency and the
9 Bureau of Consumer Financial Protection, and used
10 in association with a federally related mortgage loan,
11 including origination and servicing documents, the
12 Director of the Bureau of Consumer Financial Pro-
13 tection and the Director of the Federal Housing Fi-
14 nance Agency shall, jointly—

15 “(A) not later than 180 days after the date
16 of the enactment of this section, publish
17 versions of such documents translated into each
18 of the 8 languages most commonly spoken by
19 individuals with limited English proficiency, as
20 determined by the Director of the Bureau of
21 Consumer Financial Protection using informa-
22 tion published by the Director of the Bureau of
23 the Census; and

24 “(B) not later than 3 years after the date
25 of the enactment of this section, publish

1 versions of such documents translated into at
2 least 4 additional languages spoken by individ-
3 uals with limited English proficiency that are
4 regionally prevalent in the United States, as de-
5 termined by the Director of the Bureau of Con-
6 sumer Financial Protection using information
7 published by the Director of the Bureau of the
8 Census.

9 “(8) RULEMAKING.—The Director of the Bu-
10 reau of Consumer Financial Protection shall issue
11 regulations to implement this subsection. A final
12 rule shall be issued by the Director not later than
13 12 months after the date of enactment of this sub-
14 section, and the effective date shall be not later than
15 18 months after the date of enactment of this sub-
16 section.”.

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

“129I. Preferred language requirements.”.

21 (d) REPORT.—Not later than 1 year after the date
22 of the enactment of this section, and each year thereafter,
23 the Director of the Bureau of Consumer Financial Protec-
24 tion, the Secretary of Housing and Urban Development,
25 the Director of the Federal Housing Finance Agency, the

1 Secretary of Agriculture, and the Secretary of Veterans
2 Affairs shall submit a report to the Congress that con-
3 tains—

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

7 (2) a description of any legislative changes
8 needed to provide authority necessary to implement
9 the regulatory recommendations; and

10 (3) a description of any progress on the imple-
11 mentation of any legislative or regulatory rec-
12 ommendation made in a previous report.

13 (e) COMMUNITY FINANCIAL INSTITUTIONS RE-
14 PORT.—Not later than 2 years after the date of the enact-
15 ment of this Act, the Comptroller General of the United
16 States shall study and report to Congress on the effects
17 of the implementation of this section and the amendments
18 made by this section on insured depository institutions
19 with less than \$10,000,000,000 in total assets, and the
20 communities they serve, along with any regulatory or leg-
21 islative recommendations to advance the purposes of this
22 section.

23 (f) LANGUAGE RESOURCE WEBSITE.—

24 (1) IN GENERAL.—The Director of the Bureau
25 of Consumer Financial Protection, the Secretary of

1 Housing and Urban Development, the Director of
2 the Federal Housing Finance Agency, the Secretary
3 of Agriculture, and the Secretary of Veterans Affairs
4 shall jointly not later than 1 year after the date of
5 the enactment of this section establish and maintain
6 a website that provides language resources for credi-
7 tors, servicers, and consumers.

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

10 (A) the translations of documents pub-
11 lished pursuant to section 129I(c) of the Truth
12 in Lending Act and section 6(n)(7) of the Real
13 Estate Settlement Procedures Act of 1974;

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

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

21 (D) examples of notices that may be used
22 by creditors and servicers to inform persons of
23 available language services, provided in accord-
24 ance with section 6(n)(2) of the Real Estate

1 Settlement Procedures Act of 1974 and section
2 129I of the Truth in Lending Act.

3 (g) ADVISORY GROUP.—

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

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

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

18 (C) updates to the language resource
19 website established by the Director, the Sec-
20 retary of Housing and Urban Development, the
21 Director of the Federal Housing Finance Agen-
22 cy, the Secretary of Agriculture, and the Sec-
23 retary of Veterans Affairs under subsection (f).

24 (2) REQUIRED CONSULTING.—The Director of
25 the Bureau of Consumer Financial Protection shall

1 consult with the advisory group established pursuant
2 to paragraph (1) with respect to any issues that
3 arise relating to mortgage origination and servicing
4 processes for persons with a preferred language that
5 is not English.

6 (h) HOUSING COUNSELING AGENCY LANGUAGE RE-
7 SOURCES.—

8 (1) ENHANCED SEARCH CAPABILITIES.—Not
9 later than 1 year after the date of the enactment of
10 this section—

11 (A) the Secretary shall update the website
12 maintained by the Secretary that identifies
13 housing counselors approved by the Department
14 of Housing and Urban Development, to allow
15 for searching for housing counseling agencies
16 based on provided language services; and

17 (B) the Director shall update the website
18 maintained by the Director that identifies hous-
19 ing counselors approved by the Secretary to
20 allow for searching for housing counseling agen-
21 cies based on provided language services.

22 (2) AUTHORIZATION OF APPROPRIATIONS.—
23 There is authorized to be appropriated to the Sec-
24 retary of Housing and Urban Development, such
25 sums as are necessary to support language training

1 for housing counselors, housing counseling agencies,
2 and staff that are approved by the Secretary.

3 (i) DEFINITIONS.—In this section:

4 (1) CREDITOR.—The term “creditor” has the
5 meaning given the term in section 103 of the Truth
6 in Lending Act and shall include any assignee of a
7 creditor.

8 (2) DIRECTOR.—The term “Director” means
9 the Director of the Bureau of Consumer Financial
10 Protection.

11 (3) SECRETARY.—The term “Secretary” means
12 the Secretary of Housing and Urban Development.

13 (4) SERVICER.—The term “servicer” has the
14 meaning given the term in section 6(i) of the Real
15 Estate Settlement Procedures Act of 1974.

16 (5) RESIDENTIAL MORTGAGE LOAN.—The term
17 “residential mortgage loan” has the meaning given
18 the term in section 103 of the Truth in Lending
19 Act.

20 (6) FEDERALLY RELATED MORTGAGE LOAN.—
21 The term “federally related mortgage loan” has the
22 meaning given the term in section 3 of the Real Es-
23 tate Settlement Procedures Act of 1974.