

113TH CONGRESS
1ST SESSION

S. 1828

To amend the Truth in Lending Act to modify the definitions of a mortgage originator and a high-cost mortgage.

IN THE SENATE OF THE UNITED STATES

DECEMBER 16, 2013

Mr. DONNELLY (for himself and Mr. COBURN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend the Truth in Lending Act to modify the definitions of a mortgage originator and a high-cost mortgage.

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 “Preserving Access to
5 Manufactured Housing Act of 2013”.

6 **SEC. 2. MORTGAGE ORIGINATOR DEFINITION.**

7 (a) AMENDMENT TO DEFINITION.—Section 1401 of
8 the Dodd-Frank Wall Street Reform and Consumer Pro-
9 tection Act is amended, in paragraph (2)(C)(ii) of the
10 matter proposed to be added to section 103 of the Truth

1 in Lending Act, by striking “an employee of a retailer of
2 manufactured homes who is not described in clause (i) or
3 (iii) of subparagraph (A) and who does not advise a con-
4 sumer on loan terms (including rates, fees, and other
5 costs)” and inserting “a retailer of manufactured or mod-
6 ular homes or its employees unless such retailer or its em-
7 ployees receive compensation or gain for engaging in ac-
8 tivities described in subparagraph (A) that is in excess of
9 any compensation or gain received in a comparable cash
10 transaction”.

11 (b) TECHNICAL AMENDMENTS.—(1) Section 1401 of
12 the Dodd-Frank Wall Street Reform and Consumer Pro-
13 tection Act is amended, in the matter proposed to be
14 added to section 103 of the Truth in Lending Act, by re-
15 designating subsection (cc) as subsection (dd).

16 (2) Section 1431(d) of the Dodd-Frank Wall Street
17 Reform and Consumer Protection Act is amended—

18 (A) by striking “subsection (cc)” and inserting
19 “subsection (dd)”; and

20 (B) in the matter proposed to be added to sec-
21 tion 103 of the Truth in Lending Act by redesign-
22 ating subsection (dd) as subsection (ee).

23 (c) EFFECTIVE DATE.—The amendments made by
24 this section shall take effect as if included in the provisions

1 of the Dodd-Frank Wall Street Reform and Consumer
2 Protection Act to which they relate.

3 **SEC. 3. HIGH-COST MORTGAGE DEFINITION.**

4 Section 103 of the Truth in Lending Act (15 U.S.C.
5 1602) is amended—

6 (1) by redesignating subsection (aa) (relating to
7 disclosure of greater amount or percentage), as so
8 designated by section 1100A of Public Law 111–
9 203, as subsection (bb);

10 (2) by redesignating subsection (bb) (relating to
11 high cost mortgages), as so designated by section
12 1100A of Public Law 111–203, as subsection (aa),
13 and moving such subsection to immediately follow
14 subsection (z); and

15 (3) in subsection (aa)(1)(A), as so redesign-
16 nated—

17 (A) in clause (i)(I), by striking “(8.5 per-
18 centage points, if the dwelling is personal prop-
19 erty and the transaction is for less than
20 \$50,000)” and inserting “(10 percentage points
21 if the dwelling is personal property or is a
22 transaction that does not include the purchase
23 of real property on which a dwelling is to be
24 placed, and the transaction is for less than
25 \$75,000 (as such amount is adjusted by the

1 Bureau to reflect the change in the Consumer
2 Price Index)”; and

3 (B) in clause (ii)—

4 (i) in subclause (I), by striking “or”
5 at the end; and

6 (ii) by adding at the end the fol-
7 lowing:

8 “(III) in the case of a trans-
9 action for less than \$75,000 (as such
10 amount is adjusted by the Bureau to
11 reflect the change in the Consumer
12 Price Index) in which the dwelling is
13 considered personal property (or is a
14 consumer credit transaction that does
15 not include the purchase of real prop-
16 erty on which a dwelling is to be
17 placed) the greater of 5 percent of the
18 total transaction amount or \$3,000
19 (as such amount is adjusted by the
20 Bureau to reflect the change in the
21 Consumer Price Index); or”.

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