

118TH CONGRESS
2D SESSION

H. R. 8252

To amend the Truth in Lending Act and the Real Estate Settlement Procedures Act of 1974 to establish language access requirements for creditors and servicers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 2024

Ms. GARCIA of Texas introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Truth in Lending Act and the Real Estate Settlement Procedures Act of 1974 to establish language access requirements for creditors and servicers, 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 “Improving Language
5 Access in Mortgage Servicing Act of 2024”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) Housing is the largest portion of most
2 household budgets in the United States and there-
3 fore a foundational component of financial access
4 and opportunity.

5 (2) Due in part to a legacy of discrimination in
6 the United States, people of color are disproportion-
7 ately experiencing homelessness, are disproportion-
8 ately renting, and disproportionately paying
9 unaffordable rents, which acts as a barrier to home
10 ownership.

11 (3) Access to fair and affordable housing, both
12 rental and home ownership opportunities, is critical
13 to upward economic mobility. This includes address-
14 ing language barriers in mortgage servicing to en-
15 sure borrowers have culturally sensitive, in-language
16 access to critical lending information, can enter into
17 fair and sustainable home ownership, and preserve
18 their home equity.

19 **SEC. 3. LANGUAGE ACCESS REQUIREMENTS AND RE-**
20 **SOURCES.**

21 (a) IN GENERAL.—Chapter 2 of title I of the Truth
22 in Lending Act (15 U.S.C. 1631 et seq.) is amended by
23 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 Secretary of Housing and Urban Development, by
9 rule, establish a standard language preference form which
10 includes a standard language preference question asked in
11 each of the 8 languages most commonly spoken by individ-
12 uals with limited English proficiency, as determined by the
13 Director of the Bureau using information published by the
14 Director of the Bureau of the Census.

15 “(b) DESIGNATION AND TRANSLATION OF VITAL
16 DOCUMENTS.—

17 “(1) DESIGNATION.—

18 “(A) IN GENERAL.—Not later than 90
19 days after the date of the enactment of this sec-
20 tion, the Director of the Bureau of Consumer
21 Financial Protection shall, after consulting with
22 the Secretary of Agriculture, the Director of the
23 Federal Housing Finance Agency, the Secretary
24 of Veterans Affairs, and the Secretary of Hous-
25 ing and Urban Development, by rule, establish
26 a list of vital documents associated with the

1 origination and servicing of residential mort-
2 gage loans.

3 “(B) CONSIDERATIONS.—In determining
4 which documents are vital documents pursuant
5 to paragraph (1), the Director shall consider—

6 “(i) whether the document conveys in-
7 formation about credit terms and condi-
8 tions;

9 “(ii) whether the document conveys
10 information relating to borrower rights and
11 obligations under applicable laws; and

12 “(iii) whether the document conveys
13 information relating to a change in bor-
14 rower rights, obligations, or entitlements
15 under the terms of the loan or applicable
16 laws.

17 “(2) TRANSLATION.—The Director of the Bu-
18 reau of Consumer Financial Protection, the Director
19 of the Federal Housing Finance Agency, the Sec-
20 retary of the Department of Housing and Urban De-
21 velopment, the Secretary of Veterans Affairs, and
22 the Secretary of the Department of Agriculture shall
23 jointly—

24 “(A) not later than 180 days after the date
25 of the enactment of this section, publish model

1 translations of each document designated as a
2 vital document under this subsection in the
3 eight languages most commonly spoken by indi-
4 viduals with limited English proficiency, 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; and

9 “(B) not later than 3 years after the date
10 of the enactment of this section, publish
11 versions of such vital documents translated into
12 at least 4 additional languages spoken by indi-
13 viduals with limited English proficiency that are
14 regionally prevalent in the United States, as de-
15 termined by the Director of the Bureau of Con-
16 sumer Financial Protection using information
17 published by the Director of the Bureau of the
18 Census.

19 “(c) REQUIREMENTS FOR CREDITORS.—

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

22 “(A) INCLUSION IN APPLICATION.—Each
23 creditor shall include, in any written application
24 used in connection with a residential mortgage
25 loan, the standard language preference form es-

1 tablished by the Director of the Bureau under
2 subsection (a).

3 “(B) INCLUSION OF DISCLOSURE.—Each
4 creditor may include with such standard lan-
5 guage preference form a disclosure stating that
6 documents and services may not be available in
7 the preferred language indicated by the con-
8 sumer on the standard language preference
9 form.

10 “(C) DOCUMENTATION AND TRANSFER OF
11 PREFERRED LANGUAGE INFORMATION.—If a
12 creditor, or assignee of a creditor receives infor-
13 mation about a language preference of a con-
14 sumer through the standard language pref-
15 erence form, orally or in writing in connection
16 with a residential mortgage loan, as determined
17 by the Director of the Bureau, including from
18 another creditor or a servicer, such creditor or
19 assignee shall document this language pref-
20 erence in each file or electronic file of informa-
21 tion associated with such consumer and shall
22 transfer such information and the standard lan-
23 guage preference form to any servicer of the
24 loan and to any creditor that may own the loan
25 in the future.

1 “(2) PROVISION OF TRANSLATED VITAL DOCU-
2 MENTS.—If a Federal agency or a State or local
3 agency in the State or locality in which the residen-
4 tial property subject to the residential mortgage loan
5 is located has produced a model translation for a
6 document designated as a vital document under sub-
7 section (b), in the preferred language of a consumer,
8 as documented by a creditor pursuant to paragraph
9 (1)(C), such creditor shall—

10 “(A) provide such translation in addition
11 to any English version of such vital document
12 that would have been provided to such con-
13 sumer who indicated such preferred language;
14 and

15 “(B) include a notice on the English and
16 translated versions indicating that the English
17 version is the official and operative document
18 and the translated version is for informational
19 purposes only.

20 “(3) ORAL INTERPRETATION SERVICES.—

21 “(A) IN GENERAL.—If a creditor receives
22 information about a language preference of a
23 consumer through the standard language pref-
24 erence form, orally or in writing in connection
25 with a residential mortgage loan, as determined

1 by the Director of the Bureau, including from
2 another creditor or a servicer, such creditor
3 shall provide oral interpretation services to such
4 consumer.

5 “(B) ORAL INTERPRETATION SERVICES.—

6 If a creditor is required under subparagraph
7 (A) to provide oral interpretation services to a
8 consumer, such creditor shall ensure qualified
9 oral interpretation services, as defined by the
10 Director of the Bureau, are made available in
11 the preferred language of the consumer for all
12 oral communications between the such creditor
13 and the consumer and these oral interpretation
14 services may be provided by qualified staff of
15 the creditor or a qualified third party.

16 “(4) NOTICE OF AVAILABLE LANGUAGE SERV-
17 ICES.—If a creditor receives information about a
18 language preference of a consumer through the
19 standard language preference form, orally or in writ-
20 ing in connection with a residential mortgage loan,
21 as determined by the Director of the Bureau, includ-
22 ing from another creditor or a servicer, such creditor
23 shall not later than 10 business days after receiving
24 such information, notify such consumer in writing,
25 in the preferred language of the consumer, of any

1 language services available, including the services re-
2 quired under paragraphs (2) and (3).

3 “(5) TRANSFER OF LANGUAGE PREFERENCE
4 INFORMATION.—If a creditor transfers the servicing
5 associated with a residential mortgage loan, such
6 creditor shall notify the transferee servicer of any
7 known language preference of the consumer associ-
8 ated with such residential mortgage loan.

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

11 “(A) links to and explanatory information
12 about the websites maintained by the Secretary
13 of Housing and Urban Development and the
14 Director of the Bureau of Consumer Financial
15 Protection that identify housing counselors ap-
16 proved by the Department of Housing and
17 Urban Development; and

18 “(B) a link to and explanatory information
19 about the language resources website estab-
20 lished by the Director of the Bureau of Con-
21 sumer Financial Protection, the Secretary of
22 Housing and Urban Development, the Director
23 of the Federal Housing Finance Agency, the
24 Secretary of Agriculture, and the Secretary of
25 Veterans Affairs under section 3(e) of the Im-

1 proving Language Access in Mortgage Servicing
2 Act of 2024.

3 “(d) RULEMAKING.—The Director may issue such
4 rules as the Director determines necessary to implement
5 this section.”.

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

9 “(n) LANGUAGE ACCESS REQUIREMENTS.—

10 “(1) IN GENERAL.—

11 “(A) INCLUSION IN NOTICES.—Each
12 servicer shall include the standard language
13 preference form with—

14 “(i) any notice required under section
15 1024.39(b) of title 12, Code of Federal
16 Regulations;

17 “(ii) any notice required under section
18 (c);

19 “(iii) any notice required under sec-
20 tion 1024.41(b)(2) of title 12, Code of
21 Federal Regulations;

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

1 “(v) any other additional notice as the
2 Director of the Bureau of Consumer Fi-
3 nancial Protection determines necessary.

4 “(B) INCLUSION OF DISCLOSURES.—A
5 servicer may include with the standard lan-
6 guage preference form a disclosure stating that
7 documents and services may not be available in
8 the preferred language of the borrower indi-
9 cated by the consumer on the standard lan-
10 guage preference form.

11 “(C) DOCUMENTATION AND TRANSFER OF
12 PREFERRED LANGUAGE INFORMATION.—If a
13 servicer or an assignee of a servicer receives in-
14 formation about a language preference of a bor-
15 rower through the standard language preference
16 form, orally or in writing in connection with a
17 federally related mortgage, as determined by
18 the Director of the Bureau, including from an-
19 other servicer or creditor, such servicer or as-
20 signee shall document this language preference
21 in each file or electronic file of information as-
22 sociated with such borrower and shall transfer
23 such information and the standard language
24 preference form to any other servicer that may
25 service the loan in the future.

1 “(2) REQUIRED LANGUAGE SERVICES FOR
2 SERVICERS.—

3 “(A) PROVISION OF TRANSLATED VITAL
4 DOCUMENTS.—If a Federal agency or a State
5 or local agency in the State or locality in which
6 the property subject to the federally related
7 mortgage loan is to be located has produced a
8 model translation for a document designated as
9 a vital document under section 129I(b) of the
10 Truth in Lending Act in the preferred language
11 of a borrower documented by the servicer pur-
12 suant to paragraph (1)(C) of this subsection,
13 the servicer shall—

14 “(i) provide such translation in addi-
15 tion to any English version of such docu-
16 ment that would have been provided to
17 such borrower; and

18 “(ii) include a notice on the English
19 and translated versions, in the preferred
20 language of the borrower, indicating that
21 the English version is the official and oper-
22 ative document and the translated version
23 is for informational purposes only.

24 “(B) ORAL INTERPRETATION SERVICES.—

1 “(i) IN GENERAL.—If a servicer re-
2 ceives information about a language pref-
3 erence of a borrower through the standard
4 language preference form, orally or in writ-
5 ing in connection with a federally related
6 mortgage, as determined by the Director of
7 the Bureau, including from another cred-
8 itor or a servicer, such servicer shall pro-
9 vide oral interpretation services to such
10 borrower.

11 “(ii) ORAL INTERPRETATION SERV-
12 ICES.—If a servicer is required under sub-
13 paragraph (A) to provide oral interpreta-
14 tion services to a borrower, such servicer
15 shall ensure qualified oral interpretation
16 services, as defined by the Director of the
17 Bureau, are made available in the pre-
18 ferred language of the borrower for all oral
19 communications between the such servicer
20 and the borrower and these oral interpreta-
21 tion services may be provided by qualified
22 staff of the borrower or a qualified third
23 party.

24 “(3) NOTICE OF AVAILABLE LANGUAGE SERV-
25 ICES.—If a servicer receives information about a

1 language preference of a borrower through the
2 standard language preference form, orally or in writ-
3 ing in connection with a federally related mortgage,
4 as determined by the Director of the Bureau, includ-
5 ing from another creditor or a servicer, such servicer
6 shall, not later than 10 business days after receiving
7 such information, notify such borrower in writing, in
8 the preferred language of the borrower, of any lan-
9 guage services available, including the services re-
10 quired under paragraph (2).

11 “(4) TRANSFER OF LANGUAGE PREFERENCE
12 INFORMATION.—If a servicer transfers the servicing
13 associated with a federally related mortgage loan,
14 such servicer shall notify the transferee servicer of
15 any known language preference of the borrower as-
16 sociated with such federally related mortgage loan.

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

22 “(6) INFORMATION ON WEBSITE.—Each
23 servicer shall on the website of the servicer pub-
24 lish—

1 “(A) links to and information about the
2 websites maintained by the Secretary of Hous-
3 ing and Urban Development and the Director
4 of the Bureau of Consumer Financial Protec-
5 tion that identify housing counselors approved
6 by the Department of Housing and Urban De-
7 velopment; and

8 “(B) a link to and information about the
9 language resources website established by the
10 Director of the Bureau of Consumer Financial
11 Protection, the Secretary of Housing and
12 Urban Development, the Director of the Fed-
13 eral Housing Finance Agency, the Secretary of
14 Agriculture, and the Secretary of Veterans Af-
15 fairs under section 3(e) of the Improving Lan-
16 guage Access in Mortgage Servicing Act of
17 2024.

18 “(7) RULEMAKING.—The Director of the Bu-
19 reau of Consumer Financial Protection may issue
20 such rules as the Director determines necessary to
21 implement this section.”.

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

“129I. Language access requirements.”.

1 (d) REPORT.—Not later than 1 year after the date
2 of the enactment of this section, and each year thereafter,
3 the Director of the Bureau of Consumer Financial Protec-
4 tion, the Secretary of Housing and Urban Development,
5 the Director of the Federal Housing Finance Agency, the
6 Secretary of Agriculture, and the Secretary of Veterans
7 Affairs shall submit a report to the Congress that con-
8 tains—

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

12 (2) a description of any legislative changes
13 needed to provide authority necessary to implement
14 the regulatory recommendations; and

15 (3) a description of any progress on the imple-
16 mentation of any legislative or regulatory rec-
17 ommendation made in a previous report.

18 (e) LANGUAGE RESOURCE WEBSITE.—

19 (1) IN GENERAL.—The Director of the Bureau
20 of Consumer Financial Protection, the Secretary of
21 Housing and Urban Development, the Director of
22 the Federal Housing Finance Agency, the Secretary
23 of Agriculture, and the Secretary of Veterans Affairs
24 shall jointly not later than 1 year after the date of
25 the enactment of this section establish and maintain

1 a website that provides language resources for credi-
2 tors, servicers, and consumers.

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

5 (A) the translations of documents pub-
6 lished pursuant to section 129I(c) of the Truth
7 in Lending Act;

8 (B) a glossary of terms relating to residen-
9 tial mortgage loans and federally related mort-
10 gage loans, provided in each commonly spoken
11 language;

12 (C) guidance for creditors and servicers
13 working with persons who have a preferred lan-
14 guage that is not English; and

15 (D) examples of notices that may be used
16 by creditors and servicers to inform persons of
17 available language services, provided in accord-
18 ance with section 6(n)(2) of the Real Estate
19 Settlement Procedures Act of 1974 and section
20 129I of the Truth in Lending Act.

21 (f) ADVISORY GROUP.—

22 (1) IN GENERAL.—The Director of the Bureau
23 of Consumer Financial Protection shall establish an
24 advisory group consisting of stakeholders, including
25 industry groups, consumer groups, civil rights

1 groups, and groups that have experience improving
2 language access in housing finance transactions, to
3 provide advice to the Director about—

4 (A) issues that arise relating to mortgage
5 origination and servicing processes for persons
6 with a preferred language that is not English;

7 (B) the development of the standard lan-
8 guage preference form by the Director under
9 section 129I(a) of the Truth in Lending Act;
10 and

11 (C) updates to the language resource
12 website established by the Director of the Bu-
13 reau of Consumer Financial Protection, the
14 Secretary of Housing and Urban Development,
15 the Director of the Federal Housing Finance
16 Agency, the Secretary of Agriculture, and the
17 Secretary of Veterans Affairs under subsection
18 (e).

19 (2) REQUIRED CONSULTING.—The Director of
20 the Bureau of Consumer Financial Protection shall
21 consult with the advisory group established pursuant
22 to paragraph (1) with respect to any issues that
23 arise relating to mortgage origination and servicing
24 processes for persons with a preferred language that
25 is not English.

1 (g) HOUSING COUNSELING AGENCY LANGUAGE RE-
2 SOURCES.—

3 (1) ENHANCED SEARCH CAPABILITIES.—

4 (A) HUD.—The Secretary of Housing and
5 Urban Development shall not later than 1 year
6 after the date of the enactment of this section
7 update the website maintained by the Secretary
8 that identifies housing counselors approved by
9 the Department of Housing and Urban Devel-
10 opment, to allow for searching for housing
11 counseling agencies based on the language serv-
12 ices they provide.

13 (B) BUREAU.—The Director of the Bureau
14 of Consumer Financial protection shall not later
15 than 1 year after the date of the enactment of
16 this section update the website maintained by
17 the Director that identifies housing counselors
18 approved by the Department of Housing and
19 Urban Development, to allow for searching for
20 housing counseling agencies based on the lan-
21 guage services they provide.

22 (2) AUTHORIZATION OF APPROPRIATIONS.—

23 There is authorized to be appropriated to the Sec-
24 retary of the Department of Housing and Urban De-
25 velopment, such sums as are necessary to support

1 language training for HUD-approved housing coun-
2 selors, counseling agencies, and their staff.

3 (h) DEFINITIONS.—In this section—

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

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

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

12 (4) The term “residential mortgage loan” has
13 the meaning given the term in section 103 of the
14 Truth in Lending Act.

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

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