

118TH CONGRESS  
2D SESSION

# S. 4265

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.

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## IN THE SENATE OF THE UNITED STATES

MAY 7, 2024

Ms. BUTLER (for herself, Ms. WARREN, and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## 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 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, disproportionately  
8 renting, and disproportionately paying unaffordable  
9 rents, which acts as a barrier to homeownership.

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

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

20           (1) CREDITOR.—The term “creditor”—

21                   (A) has the meaning given the term in sec-  
22 tion 103 of the Truth in Lending Act (15  
23 U.S.C. 1602); and

24                   (B) includes any assignee of a creditor.

1           (2) DIRECTOR.—The term “Director” means  
2           the Director of the Bureau of Consumer Financial  
3           Protection.

4           (3) FEDERALLY RELATED MORTGAGE LOAN.—  
5           The term “federally related mortgage loan” has the  
6           meaning given the term in section 3 of the Real Es-  
7           tate Settlement Procedures Act of 1974 (12 U.S.C.  
8           2602).

9           (4) RESIDENTIAL MORTGAGE LOAN.—The term  
10          “residential mortgage loan” has the meaning given  
11          the term in section 103 of the Truth in Lending Act  
12          (15 U.S.C. 1602).

13          (5) SECRETARY.—The term “Secretary” means  
14          the Secretary of Housing and Urban Development.

15          (6) SERVICER.—The term “servicer” has the  
16          meaning given the term in section 6(i) of the Real  
17          Estate Settlement Procedures Act of 1974 (12  
18          U.S.C. 2605(i)).

19 **SEC. 4. 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 shall, after con-  
5 sulting with the Secretary of Agriculture, the Director of  
6 the Federal Housing Finance Agency, the Secretary of  
7 Veterans Affairs, and the Secretary of Housing and Urban  
8 Development, by rule, establish a standard language pref-  
9 erence form that includes a standard language preference  
10 question asked in each of the 8 languages most commonly  
11 spoken by individuals with limited English proficiency, as  
12 determined by the Director of the Bureau using informa-  
13 tion published by the Director of the Bureau of the Cen-  
14 sus.

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 shall, after  
21 consulting with the Secretary of Agriculture,  
22 the Director of the Federal Housing Finance  
23 Agency, the Secretary of Veterans Affairs, and  
24 the Secretary of Housing and Urban Develop-  
25 ment, by rule, establish a list of vital documents

1 associated with the origination and servicing of  
2 residential mortgage loans.

3 “(B) CONSIDERATIONS.—In determining  
4 which documents are vital documents under  
5 paragraph (1), the Director of the Bureau shall  
6 consider the document conveys information—

7 “(i) about credit terms and condi-  
8 tions; and

9 “(ii) relating to borrower rights, obli-  
10 gations, or entitlements under the terms of  
11 the loan or applicable laws.

12 “(2) TRANSLATION.—The Director of the Bu-  
13 reau, the Director of the Federal Housing Finance  
14 Agency, the Secretary of the Department of Housing  
15 and Urban Development, the Secretary of Veterans  
16 Affairs, and the Secretary of the Department of Ag-  
17 riculture shall jointly—

18 “(A) not later than 180 days after the date  
19 of enactment of this section, publish model  
20 translations of each document designated as a  
21 vital document under this subsection in each of  
22 the 8 languages most commonly spoken by indi-  
23 viduals with limited English proficiency, as de-  
24 termined by the Director using information

1 published by the Director of the Bureau of the  
2 Census; and

3 “(B) not later than 3 years after the date  
4 of enactment of this section, publish versions of  
5 the vital documents described in subparagraph  
6 (A) translated into not fewer than 4 language  
7 other than those languages described in such  
8 subparagraph spoken by individuals with lim-  
9 ited English proficiency that are regionally  
10 prevalent in the United States, as determined  
11 by the Director using information published by  
12 the Director of the Bureau of the Census.

13 “(c) REQUIREMENTS FOR CREDITORS.—

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

16 “(A) INCLUSION IN APPLICATION.—Each  
17 creditor shall include, in any written application  
18 used in connection with a residential mortgage  
19 loan, the standard language preference form es-  
20 tablished by the Director of the Bureau under  
21 subsection (a).

22 “(B) INCLUSION OF DISCLOSURE.—Each  
23 creditor may include with the form required  
24 under subparagraph (A) a disclosure stating  
25 that documents and services may not be avail-

1           able in the preferred language indicated by the  
2           consumer on the form.

3                   “(C) DOCUMENTATION AND TRANSFER OF  
4           PREFERRED LANGUAGE INFORMATION.—If a  
5           creditor, or assignee of a creditor receives infor-  
6           mation about a language preference of a con-  
7           sumer 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, the creditor or  
12          assignee shall—

13                   “(i) document the language preference  
14                   in each file or electronic file of information  
15                   associated with the consumer; and

16                   “(ii) shall transfer the information  
17                   and the form to—

18                           “(I) any servicer of the loan; and

19                           “(II) any creditor that may own  
20                   the loan in the future.

21                   “(2) PROVISION OF TRANSLATED VITAL DOCU-  
22          MENTS.—If a Federal agency or a State or local  
23          agency in the State or locality in which the residen-  
24          tial property subject to the residential mortgage loan  
25          is located has produced a model translation for a

1 document designated as a vital document under sub-  
2 section (b), in the preferred language of a consumer,  
3 as documented by a creditor pursuant to paragraph  
4 (1)(C), the creditor shall—

5 “(A) provide to the consumer the trans-  
6 lation in addition to any English version of the  
7 vital document that would have been provided  
8 to the consumer who indicated the preferred  
9 language; and

10 “(B) include a notice in the English and  
11 translated versions indicating that the English  
12 version is the official and operative document  
13 and the translated version is for informational  
14 purposes only.

15 “(3) ORAL INTERPRETATION SERVICES.—

16 “(A) IN GENERAL.—If a creditor receives  
17 information about a language preference of a  
18 consumer through the form established under  
19 subsection (a), orally or in writing in connection  
20 with a residential mortgage loan, as determined  
21 by the Director of the Bureau, including from  
22 another creditor or a servicer, the creditor shall  
23 provide oral interpretation services to the con-  
24 sumer.



1           “(B) ORAL INTERPRETATION SERVICES.—

2           If a creditor is required under subparagraph  
3           (A) to provide oral interpretation services to a  
4           consumer, the creditor—

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

11                   “(ii) may provide provide the services  
12                   described in clause (i) through qualified  
13                   staff of the creditor or a qualified third  
14                  party.

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

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, the  
6 creditor shall notify the transferee servicer of any  
7 known language preference of the consumer associ-  
8 ated with the residential mortgage loan.

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

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 that identify housing  
15 counselors approved by the Department of  
16 Housing and Urban Development; and

17 “(B) a link to and explanatory information  
18 about the language resources website estab-  
19 lished by the Director of the Bureau, 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 section 4(e) of  
24 the Improving Language Access in Mortgage  
25 Servicing Act of 2024.

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

4 (b) REQUIREMENTS FOR SERVICERS.—Section 6 of  
5 the Real Estate Settlement Procedures Act of 1974 (12  
6 U.S.C. 2605) is amended by adding at the end the fol-  
7 lowing:

8 “(n) LANGUAGE ACCESS REQUIREMENTS.—

9 “(1) DEFINITION.—In this subsection, the term  
10 ‘standard language preference form’ means the  
11 standard language preference form established by  
12 the Director of the Bureau under section 129I of the  
13 Truth in Lending Act.

14 “(2) REQUIREMENTS.—

15 “(A) INCLUSION IN NOTICES.—Each  
16 servicer shall include the standard language  
17 preference form with—

18 “(i) any notice required under section  
19 1024.39(b) of title 12, Code of Federal  
20 Regulations;

21 “(ii) any information required under  
22 subsection (c);

23 “(iii) any notice required under sec-  
24 tion 1024.41(b)(2) of title 12, Code of  
25 Federal Regulations;

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

4                   “(v) any other additional notice as the  
5                   Director of the Bureau determines is nec-  
6                   essary.

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

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

1 preference form to any other servicer that may  
2 service the loan in the future.

3 “(3) REQUIRED LANGUAGE SERVICES FOR  
4 SERVICERS.—

5 “(A) PROVISION OF TRANSLATED VITAL  
6 DOCUMENTS.—If a Federal agency or a State  
7 or local agency in the State or locality in which  
8 the property subject to the federally related  
9 mortgage loan is to be located has produced a  
10 model translation for a document designated as  
11 a vital document under section 129I(b) of the  
12 Truth in Lending Act in the preferred language  
13 of a borrower documented by the servicer pur-  
14 suant to paragraph (2)(C) of this subsection,  
15 the servicer shall—

16 “(i) provide to the consumer the  
17 translation in addition to any English  
18 version of the document that would have  
19 been provided to the borrower; and

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

1 “(B) ORAL INTERPRETATION SERVICES.—

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

12 “(ii) ORAL INTERPRETATION SERV-  
13 ICES.—If a servicer is required to provide  
14 oral interpretation services under clause  
15 (i), the servicer—

16 “(I) shall ensure qualified oral  
17 interpretation services, as defined by  
18 the Director of the Bureau, are made  
19 available in the preferred language of  
20 the borrower for all oral communica-  
21 tions between the servicer and the  
22 borrower; and

23 “(II) may provide the services de-  
24 scribed in subclause (I) through quali-

1                   fied staff of the borrower or a quali-  
2                   fied third party.

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

15                  “(5) TRANSFER OF LANGUAGE PREFERENCE  
16                  INFORMATION.—If a servicer transfers the servicing  
17                  associated with a federally related mortgage loan,  
18                  the servicer shall notify the transferee servicer of  
19                  any known language preference of the borrower as-  
20                  sociated with the federally related mortgage loan.

21                  “(6) INFORMATION ON WEBSITE.—Each  
22                  servicer shall publish on the website of the  
23                  servicer—

24                                 “(A) links to and information about the  
25                                 websites maintained by the Secretary of Hous-

1 ing and Urban Development and the Director  
2 of the Bureau that identify housing counselors  
3 approved by the Department of Housing and  
4 Urban Development; and

5 “(B) a link to and information about the  
6 language resources website established by the  
7 Director of the Bureau, the Secretary of Hous-  
8 ing and Urban Development, the Director of  
9 the Federal Housing Finance Agency, the Sec-  
10 retary of Agriculture, and the Secretary of Vet-  
11 erans Affairs under section 4(e) of the Improv-  
12 ing Language Access in Mortgage Servicing Act  
13 of 2024.

14 “(7) RULEMAKING.—The Director of the Bu-  
15 reau may issue such rules as the Director deter-  
16 mines necessary to implement this section.”.

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

“129I. Language access requirements.”.

21 (d) REPORT.—Not later than 1 year after the date  
22 of enactment of this Act, and annually thereafter, the Di-  
23 rector, the Secretary of Housing and Urban Development,  
24 the Director of the Federal Housing Finance Agency, the



1 Secretary of Agriculture, and the Secretary of Veterans  
2 Affairs shall submit to Congress a report that contains—

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

7 (2) a description of any legislative changes  
8 needed to provide authority necessary to implement  
9 the regulatory recommendations described in para-  
10 graph (1); and

11 (3) a description of any progress on the imple-  
12 mentation of any legislative change or regulatory  
13 recommendation made in a previous report.

14 (e) LANGUAGE RESOURCE WEBSITE.—

15 (1) IN GENERAL.—Not later than 1 year after  
16 the date of enactment of this Act, the Director, the  
17 Secretary of Housing and Urban Development, the  
18 Director of the Federal Housing Finance Agency,  
19 the Secretary of Agriculture, and the Secretary of  
20 Veterans Affairs shall jointly establish and maintain  
21 a website that provides language resources for credi-  
22 tors, servicers, and consumers.

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

1 (A) the translations of documents pub-  
2 lished pursuant to section 129I(c) of the Truth  
3 in Lending Act, as added by subsection (a) of  
4 this section;

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

9 (C) guidance for creditors and servicers  
10 working with individuals who have a preferred  
11 language that is not English; and

12 (D) examples of notices that may be used  
13 by creditors and servicers to inform individuals  
14 of available language services provided in ac-  
15 cordance with section 129I of the Truth in  
16 Lending Act, as added by subsection (a) of this  
17 section, and section 6(n)(2) of the Real Estate  
18 Settlement Procedures Act of 1974, as added  
19 by subsection (b) of this section.

20 (f) ADVISORY GROUP.—

21 (1) IN GENERAL.—The Director shall establish  
22 an advisory group consisting of stakeholders, includ-  
23 ing industry groups, consumer groups, civil rights  
24 groups, and groups that have experience improving

1 language access in housing finance transactions, to  
2 provide advice to the Director about—

3 (A) issues that arise relating to mortgage  
4 origination and servicing processes for individ-  
5 uals with a preferred language that is not  
6 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, as  
10 added by subsection (a) of this section; and

11 (C) updates to the language resource  
12 website established by the Director, the Sec-  
13 retary of Housing and Urban Development, the  
14 Director of the Federal Housing Finance Agen-  
15 cy, the Secretary of Agriculture, and the Sec-  
16 retary of Veterans Affairs under subsection (e).

17 (2) REQUIRED CONSULTING.—The Director  
18 shall consult with the advisory group established  
19 under paragraph (1) with respect to any issues that  
20 arise relating to mortgage origination and servicing  
21 processes for individuals with a preferred language  
22 that is not English.

23 (g) HOUSING COUNSELING AGENCY LANGUAGE RE-  
24 SOURCES.—

25 (1) ENHANCED SEARCH CAPABILITIES.—

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

10 (B) BUREAU.—Not later than 1 year after  
11 the date of enactment of this Act, the Director  
12 shall update the website maintained by the Di-  
13 rector that identifies housing counselors ap-  
14 proved by the Department of Housing and  
15 Urban Development, to allow for searching for  
16 housing counseling agencies based on the lan-  
17 guage services the housing counseling agencies  
18 provide.

19 (2) AUTHORIZATION OF APPROPRIATIONS.—  
20 There is authorized to be appropriated to the Sec-  
21 retary such sums as are necessary to support lan-  
22 guage training for housing counselors approved by  
23 the Department of Housing and Urban Develop-  
24 ment, counseling agencies, and staff.

○