

112TH CONGRESS  
1ST SESSION

# H. R. 1566

To amend the Servicemembers Civil Relief Act to enhance protections for members of the uniformed services relating to mortgages, mortgage foreclosure, and eviction, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 2011

Mr. WALZ of Minnesota (for himself, Mr. MICHAUD, and Mr. KISSELL) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on the Judiciary, 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

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## A BILL

To amend the Servicemembers Civil Relief Act to enhance protections for members of the uniformed services relating to mortgages, mortgage foreclosure, and eviction, 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 “Protecting  
5 Servicemembers from Mortgage Abuses Act of 2011”.

1 **SEC. 2. ENHANCED PROTECTIONS FOR MEMBERS OF UNI-**  
2 **FORMED SERVICES RELATING TO MORT-**  
3 **GAGES, MORTGAGE FORECLOSURE, AND**  
4 **EVICTION.**

5 (a) EXTENDED PERIOD OF PROTECTIONS.—

6 (1) STAY OF PROCEEDINGS AND PERIOD OF AD-  
7 JUSTMENT OF OBLIGATIONS RELATING TO REAL OR  
8 PERSONAL PROPERTY.—Section 303(b) of the  
9 Servicemembers Civil Relief Act (50 U.S.C. App.  
10 533(b)) is amended by striking “within 9 months”  
11 and inserting “within 24 months”.

12 (2) PERIOD OF RELIEF FROM SALE, FORE-  
13 CLOSURE, OR SEIZURE.—Section 303(c) of such Act  
14 (50 U.S.C. App. 533(c)) is amended by striking  
15 “within 9 months” and inserting “within 24  
16 months”.

17 (3) REPEAL OF SUNSET.—Subsection (c) of  
18 section 2203 of the Housing and Economic Recovery  
19 Act of 2008 (Public Law 110–289; 50 U.S.C. App.  
20 533 note) is amended to read as follows:

21 “(c) EFFECTIVE DATE.—The amendments made by  
22 subsection (a) shall take effect on the date of the enact-  
23 ment of this Act.”.

24 (b) INCREASED CRIMINAL PENALTIES.—

25 (1) FELONY FOR UNLAWFUL EVICTION OR DIS-  
26 TRESS.—

1 (A) IN GENERAL.—Subsection (e) of sec-  
2 tion 301 of the Servicemembers Civil Relief Act  
3 (50 U.S.C. App. 531(e)) is amended by striking  
4 “not more than one year” and inserting “not  
5 more than two years”.

6 (B) CLERICAL AMENDMENT.—The heading  
7 of such subsection is amended by striking  
8 “MISDEMEANOR” and inserting “FELONY”.

9 (2) FELONY FOR UNLAWFUL SALE, FORE-  
10 CLOSURE, OR SEIZURE.—

11 (A) IN GENERAL.—Subsection (d) of sec-  
12 tion 303 of such Act (50 U.S.C. App. 533(d))  
13 is amended by striking “not more than one  
14 year” and inserting “not more than two years”.

15 (B) CLERICAL AMENDMENT.—The heading  
16 of such subsection is amended by striking  
17 “MISDEMEANOR” and inserting “FELONY”.

18 (3) REVIEW OF FEDERAL SENTENCING GUIDE-  
19 LINES.—Pursuant to the authority under section  
20 994 of title 28, United States Code, the United  
21 States Sentencing Commission shall review the Fed-  
22 eral Sentencing Guidelines and policy statements ap-  
23 plicable to offenses under section 301(e) and 303(d)  
24 of the Servicemembers Civil Relief Act (50 U.S.C.

1 App. 501 et seq.) to reflect the amendments made  
2 by paragraphs (1) and (2).

3 (c) INCREASED CIVIL PENALTIES GENERALLY.—  
4 Section 801(b)(3) of such Act (50 U.S.C. App. 597(b)(3))  
5 is amended—

6 (1) in subparagraph (A), by striking “\$55,000”  
7 and inserting “\$110,000”; and

8 (2) in subparagraph (B), by striking  
9 “\$110,000” and inserting “\$220,000”.

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