

114TH CONGRESS
1ST SESSION

H. R. 1799

To amend the Real Estate Settlement Procedures Act of 1974 to prohibit certain financial benefits for referrals of business and to improve the judicial relief for certain violations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2015

Mr. ELLISON introduced the following bill; which was referred to the
Committee on Financial Services

A BILL

To amend the Real Estate Settlement Procedures Act of 1974 to prohibit certain financial benefits for referrals of business and to improve the judicial relief for certain violations, 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 “Ensure Fair Prices
5 in Title Insurance Act of 2015”.

1 **SEC. 2. AMENDMENTS TO THE REAL ESTATE SETTLEMENT**
2 **PROCEDURES ACT OF 1974.**

3 The Real Estate Settlement Procedures Act of 1974
4 (12 U.S.C. 2601 et seq.) is amended—

5 (1) in section 8—

6 (A) in subsection (c)(4)(C), by striking
7 “the only thing of value” and all that follows
8 through “ownership interest or franchise rela-
9 tionship” and inserting the following: “no fee,
10 kickback, or thing of value (including any re-
11 turn on ownership based in whole or part on re-
12 ferrals paid for or received from an affiliated
13 business arrangement) is paid or received pur-
14 suant to any agreement or understanding, oral
15 or otherwise, for referrals of business incident
16 to or a part of a real estate settlement service
17 involving a federally related mortgage loan”;
18 and

19 (B) in subsection (d)—

20 (i) by amending paragraph (2) to read
21 as follows:

22 “(2) **JOINT AND SEVERAL LIABILITY.**—Any person
23 or persons who violate the prohibitions or limitations of
24 this section shall be jointly and severally liable as follows:

25 “(A) To the person or persons charged for the
26 settlement service involved in the violation in an

1 amount equal to three times the amount of any
2 charge paid for such settlement service.

3 “(B) Upon a finding from a court of competent
4 jurisdiction that a violation of this section occurred,
5 to any person or persons providing substantially
6 similar services in the same State where the viola-
7 tion occurred, in an amount equal to attorneys’ fees
8 and court costs incurred in initiating an action
9 under this section.”; and

10 (ii) by adding at the end the fol-
11 lowing:

12 “(7) ADDITIONAL RELIEF.—In addition to the
13 remedies set forth in this section, a court may order
14 one or more of the following types of relief:

15 “(A) Injunctive relief.

16 “(B) Restitution.

17 “(C) Other equitable relief as deemed ap-
18 propriate by the court.”; and

19 (2) by amending section 16 to read as follows:

20 **“SEC. 16. JURISDICTION OF COURTS.**

21 “Any action pursuant to the provisions of section 6,
22 8, or 9 may be brought in the United States district court
23 or in any other court of competent jurisdiction, for the
24 district in which the property involved is located, or where

- 1 the violation is alleged to have occurred, within 3 years
- 2 of the date of the occurrence of the violation.”.

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