

113TH CONGRESS
1ST SESSION

H. R. 1779

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2013

Mr. FINCHER (for himself, Mr. THOMPSON of Mississippi, and Mr. GARY G. MILLER of California) introduced the following bill; which was referred to the Committee on Financial Services

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)—

18 (i) by striking “(8.5 percentage
19 points, if the dwelling is personal property
20 and the transaction is for less than
21 \$50,000)”; and

22 (ii) by striking “or” at the end;

23 (B) in clause (i)(II), by adding “or” at the
24 end;

(C) in clause (i), by adding at the end the following:

“(III) by a first mortgage on a consumer’s principal dwelling that is considered personal property (or is a consumer credit transaction that does not include the purchase of real property on which a dwelling is to be placed), the annual percentage rate at consummation of the transaction will exceed the average prime offer rate, as defined in section 129C(b)(2)(B), for a comparable transaction, by more than—

“(aa) 8.5 percentage points, in the case of a transaction in an amount of \$50,000 or more, but less than \$75,000 (as such amounts are adjusted by the Bureau to reflect the change in the Consumer Price Index);

“(bb) 10.5 percentage points, in the case of a transaction in an amount of more than \$30,000, but less than

\$50,000 (as such amounts are adjusted by the Bureau to reflect the change in the Consumer Price Index); or

“(cc) 12.5 percentage points, in the case of a transaction in an amount of \$30,000 or less (as such amount is adjusted by the Bureau to reflect the change in the Consumer Price Index), or a higher percentage established by the Bureau not to exceed 14.5 percentage points in such cases, if the Bureau determines that the lower rate would restrict access to credit and that raising the rate would not have a detrimental impact on consumer protection.”; and

(D) in clause (ii)—

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

(ii) by adding at the end the following:

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

○