113TH CONGRESS
1ST SESSION

S. 1828

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

IN THE SENATE OF THE UNITED STATES

DECEMBER 16, 2013

Mr. DONNELLY (for himself and Mr. COBURN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preserving Access to Manufactured Housing Act of 2013".

SEC. 2. MORTGAGE ORIGINATOR DEFINITION.

(a) AMENDMENT TO DEFINITION.—Section 1401 of the Dodd-Frank Wall Street Reform and Consumer Protection Act is amended, in paragraph (2)(C)(ii) of the matter proposed to be added to section 103 of the Truth in Lending Act, by striking ‘‘an employee of a retailer of manufactured homes who is not described in clause (i) or (iii) of subparagraph (A) and who does not advise a consumer on loan terms (including rates, fees, and other costs)’’ and inserting ‘‘a retailer of manufactured or modular homes or its employees unless such retailer or its employees receive compensation or gain for engaging in activities described in subparagraph (A) that is in excess of any compensation or gain received in a comparable cash transaction’’.

(b) TECHNICAL AMENDMENTS.—(1) Section 1401 of the Dodd-Frank Wall Street Reform and Consumer Protection Act is amended, in the matter proposed to be added to section 103 of the Truth in Lending Act, by redesignating subsection (cc) as subsection (dd).

(2) Section 1431(d) of the Dodd-Frank Wall Street Reform and Consumer Protection Act is amended—

(A) by striking ‘‘subsection (cc)’’ and inserting ‘‘subsection (dd)’’; and

(B) in the matter proposed to be added to section 103 of the Truth in Lending Act by redesignating subsection (dd) as subsection (ee).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act to which they relate.

SEC. 3. HIGH-COST MORTGAGE DEFINITION.

Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended—

(1) by redesignating subsection (aa) (relating to disclosure of greater amount or percentage), as so designated by section 1100A of Public Law 111–203, as subsection (bb);

(2) by redesignating subsection (bb) (relating to high cost mortgages), as so designated by section 1100A of Public Law 111–203, as subsection (aa), and moving such subsection to immediately follow subsection (z); and

(3) in subsection (aa)(1)(A), as so redesignated—

(A) in clause (i)(I), by striking ''(8.5 percentage points, if the dwelling is personal property and the transaction is for less than $50,000)'' and inserting ''(10 percentage points if the dwelling is personal property or is a transaction that does not include the purchase of real property on which a dwelling is to be placed, and the transaction is for less than $75,000 (as such amount is adjusted by the

Bureau to reflect the change in the Consumer Price Index))''; and

(B) in clause (ii)—

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

(ii) by adding at the end the following:

''(III) in the case of a transaction for less than $75,000 (as such amount is adjusted by the Bureau to reflect the change in the Consumer Price Index) in which the dwelling 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 greater of 5 percent of the total transaction amount or $3,000 (as such amount is adjusted by the Bureau to reflect the change in the Consumer Price Index); or''.

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