

111TH CONGRESS  
1ST SESSION

# H. R. 2181

To require servicers of mortgages on single family homes to provide notice to mortgagors of possible eligibility for Federal mortgage assistance.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 2009

Ms. TITUS (for herself and Mr. CARDOZA) introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

To require servicers of mortgages on single family homes to provide notice to mortgagors of possible eligibility for Federal mortgage assistance.

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 “Mortgage Assistance  
5 Information and Scam Prevention Act of 2009”.

6 **SEC. 2. NOTIFICATION OF FEDERAL ASSISTANCE.**

7 (a) NOTICE REQUIREMENT.—The Secretary of Hous-  
8 ing and Urban Development (in this section referred to  
9 as the “Secretary”) shall require each covered servicer to  
10 provide notice in accordance with this section to each

1 mortgagor under a covered mortgage serviced by such  
2 servicer.

3 (b) COVERED SERVICERS; SERVICER.—

4 (1) COVERED SERVICERS.—For purposes of  
5 this section, the term “covered servicer” means any  
6 servicer of a covered mortgage that has received any  
7 payments or fees under the Making Home Afford-  
8 able Program of the Secretary of the Treasury, or  
9 under any program of the Department of Housing  
10 and Urban Development, in an aggregate amount of  
11 \$1,000 or more.

12 (2) SERVICER.—For purposes of this section,  
13 the term “servicer” has the meaning given such  
14 term in section 6(i) of the Real Estate Settlement  
15 Procedures Act of 1974 (12 U.S.C. 2605).

16 (c) COVERED MORTGAGES.—For purposes of this  
17 section, the term “covered mortgage” means a first mort-  
18 gage (as such term is defined in section 201 of the Na-  
19 tional Housing Act (12 U.S.C. 1707)) on residential real  
20 property designed principally for occupancy of one to four  
21 families.

22 (d) CONTENT.—Notice in accordance with this sec-  
23 tion shall be notice, containing such information as the  
24 Secretary shall require, that is sufficient—

1           (1) to notify the mortgagor that the mortgagor  
2           may be eligible for Federal or federally related as-  
3           sistance for homeowners;

4           (2) to identify specific programs of the Depart-  
5           ment of Housing and Urban Development, the Rural  
6           Housing Service of the Department of Agriculture,  
7           the Department of Veterans Affairs, the Department  
8           of the Treasury, the Federal National Mortgage As-  
9           sociation, the Federal Home Loan Mortgage Cor-  
10          poration, the Federal Home Loan Banks, and any  
11          other Federal or federally related agencies or entities  
12          that provide home mortgage relief, home mortgage  
13          refinancing, home loan modification, home mortgage  
14          foreclosure mitigation, homeowner stability or af-  
15          fordability, or other homeowner assistance, includ-  
16          ing—

17                   (A) the HOPE for Homeowners Program  
18                   under section 257 of the National Housing Act  
19                   (12 U.S.C. 1715z–23);

20                   (B) FHA programs for mortgage refi-  
21                   nancing under title II of such Act (12 U.S.C.  
22                   1707 et seq.); and

23                   (C) programs for homeowners under the  
24                   Homeowner Affordability and Stability Plan of  
25                   the Secretary of the Treasury; and

1           (3) to explain how the mortgagor can obtain  
2 further information regarding such programs.

3           (e) FORM AND MANNER.—Notice in accordance with  
4 this section with respect to a covered mortgage shall be  
5 provided in a form as shall be prescribed by the Secretary,  
6 and shall be provided by the same means, such as in writ-  
7 ing provided by mail or in electronic form provided by elec-  
8 tronic mail, that the servicer regularly uses for commu-  
9 nication with the mortgagor under the mortgage.

10          (f) PERIOD AND FREQUENCY OF NOTICE.—Notice in  
11 accordance with this section with respect to a covered  
12 mortgage shall be provided not less than once each cal-  
13 endar quarter during the period that begins upon the ap-  
14 plicability of the requirement under this section (pursuant  
15 to subsections (a) and (b)) to the servicer of the mortgage  
16 and ends upon a determination by the Secretary of Hous-  
17 ing and Urban Development that payments to mortgage  
18 servicers under the programs referred to in subsection  
19 (b)(1) have terminated.

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