

115TH CONGRESS 1ST SESSION

S. 1751

To modify the definitions of a mortgage originator, a high-cost mortgage, and a loan originator.

IN THE SENATE OF THE UNITED STATES

August 3, 2017

Mr. Donnelly (for himself, Mr. Toomey, Mr. Manchin, Mr. Cotton, and Mr. Peters) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To modify the definitions of a mortgage originator, a highcost mortgage, and a loan originator.

- 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 2017".
- 6 SEC. 2. MORTGAGE ORIGINATOR AND HIGH-COST MORT-
- 7 GAGE DEFINITIONS.
- 8 Section 103 of the Truth in Lending Act (15 U.S.C.
- 9 1602) is amended—

1	(1) by redesignating subsection (aa) as sub-
2	section (bb);
3	(2) by redesignating subsection (bb) as sub-
4	section (aa), and moving such subsection to imme-
5	diately follow subsection (z);
6	(3) in subsection $(aa)(1)(A)$, as so redesig-
7	nated—
8	(A) in clause (i)(I), by striking "(8.5 per-
9	centage points, if the dwelling is personal prop-
10	erty and the transaction is for less than
11	\$50,000)" and inserting "(10 percentage points
12	if the dwelling is personal property or is a
13	transaction that does not include the purchase
14	of real property on which a dwelling is to be
15	placed and the transaction is for less than
16	\$75,000 (as such amount is adjusted by the
17	Bureau to reflect the change in the Consumer
18	Price Index))"; and
19	(B) in clause (ii)—
20	(i) in subclause (I), by striking "or"
21	at the end; and
22	(ii) by adding at the end the fol-
23	lowing:
24	"(III) in the case of a trans-
25	action 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 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";

(4) by redesignating the second subsection (cc) (relating to definitions relating to mortgage origination and residential mortgage loans) and subsection (dd) as subsections (dd) and (ee), respectively; and

(dd) as subsections (dd) and (ee), respectively; and
(5) in paragraph (2)(C) of subsection (dd), as
so redesignated, 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 the employees of the retailer unless the retailer or the employees receive compensation or gain for engaging in

1	activities described in subparagraph (A) that is in
2	excess of any compensation or gain received in a
3	comparable cash transaction".
4	SEC. 3. LOAN ORIGINATOR DEFINITION.
5	Section 1503(4)(A) of the Secure and Fair Enforce-
6	ment for Mortgage Licensing Act of 2008 (12 U.S.C.
7	5102(4)(A)) is amended—
8	(1) in clause (iii), by striking "and" at the end
9	(2) in clause (iv), by striking the period at the
10	end and inserting "; and; and
11	(3) by adding at the end the following:
12	"(v) does not include a retailer of
13	manufactured or modular homes or the
14	employees of the retailer unless the retailer
15	or employees receive compensation or gain
16	for engaging in activities described in
17	clause (i) that is in excess of any com-
18	pensation or gain received in a comparable
19	cash transaction.".

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