

115TH CONGRESS  
1ST SESSION

# H. R. 1699

To amend the Truth in Lending Act to modify the definitions of a mortgage originator and a high-cost mortgage, to amend the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 to modify the definition of a loan originator, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2017

Mr. BARR (for himself, Ms. SINEMA, Ms. SEWELL of Alabama, Mr. POLIQUIN, Mr. KUSTOFF of Tennessee, and Miss RICE of New York) introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

To amend the Truth in Lending Act to modify the definitions of a mortgage originator and a high-cost mortgage, to amend the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 to modify the definition of a loan originator, 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 “Preserving Access to  
5 Manufactured Housing Act of 2017”.

1 **SEC. 2. MORTGAGE AND LOAN ORIGINATOR DEFINITIONS.**

2 (a) MORTGAGE ORIGINATOR DEFINITION.—Section  
3 103 of the Truth in Lending Act (15 U.S.C. 1602) is  
4 amended—

5 (1) by redesignating the second subsection (cc)  
6 and subsection (dd) as subsections (dd) and (ee), re-  
7 spectively; and

8 (2) in paragraph (2)(C) of subsection (dd), as  
9 so redesignated, by striking “an employee of a re-  
10 tailer of manufactured homes who is not described  
11 in clause (i) or (iii) of subparagraph (A) and who  
12 does not advise a consumer on loan terms (including  
13 rates, fees, and other costs)” and inserting “a re-  
14 tailer of manufactured or modular homes or its em-  
15 ployees unless such retailer or its employees receive  
16 compensation or gain for engaging in activities de-  
17 scribed in subparagraph (A) that is in excess of any  
18 compensation or gain received in a comparable cash  
19 transaction”.

20 (b) LOAN ORIGINATOR DEFINITION.—Section  
21 1503(4)(A) of the Secure and Fair Enforcement for Mort-  
22 gage Licensing Act of 2008 (12 U.S.C. 5102(4)(A)) is  
23 amended—

24 (1) in clause (iii), by striking “and” at the end;

25 (2) in clause (iv), by striking the period at the  
26 end and inserting “; and”; and

1 (3) by adding at the end the following:

2 “(v) does not include a retailer of  
3 manufactured or modular homes or its em-  
4 ployees unless such retailer or its employ-  
5 ees receive compensation or gain for en-  
6 gaging in activities described in clause (i)  
7 that is in excess of any compensation or  
8 gain received in a comparable cash trans-  
9 action.”.

10 **SEC. 3. HIGH-COST MORTGAGE DEFINITION.**

11 Section 103 of the Truth in Lending Act (15 U.S.C.  
12 1602) is amended—

13 (1) by redesignating subsection (aa) (relating to  
14 disclosure of greater amount or percentage), as so  
15 designated by section 1100A of the Consumer Fi-  
16 nancial Protection Act of 2010, as subsection (bb);

17 (2) by redesignating subsection (bb) (relating to  
18 high-cost mortgages), as so designated by section  
19 1100A of the Consumer Financial Protection Act of  
20 2010, as subsection (aa), and moving such sub-  
21 section to immediately follow subsection (z); and

22 (3) in subsection (aa)(1)(A), as so redesign-  
23 ated—

24 (A) in clause (i)(I), by striking “(8.5 per-  
25 centage points, if the dwelling is personal prop-

1 erty and the transaction is for less than  
2 \$50,000)” and inserting “(10 percentage points  
3 if the dwelling is personal property or is a  
4 transaction that does not include the purchase  
5 of real property on which a dwelling is to be  
6 placed, and the transaction is for less than  
7 \$75,000 (as such amount is adjusted by the  
8 Bureau to reflect the change in the Consumer  
9 Price Index))”; and

10 (B) in clause (ii)—

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

13 (ii) by adding at the end the fol-  
14 lowing:

15 “(III) notwithstanding subclauses  
16 (I) and (II), in the case of a trans-  
17 action for less than \$75,000 (as such  
18 amount is adjusted by the Bureau to  
19 reflect the change in the Consumer  
20 Price Index) in which the dwelling is  
21 personal property (or is a consumer  
22 credit transaction that does not in-  
23 clude the purchase of real property on  
24 which a dwelling is to be placed) the  
25 greater of 5 percent of the total trans-

1                   action amount or \$3,000 (as such  
2                   amount is adjusted by the Bureau to  
3                   reflect the change in the Consumer  
4                   Price Index); or”.

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