

“(a) IN GENERAL.—In the case of any foreclosure on a federally-related mortgage loan or on any dwelling or residential real property after the date of enactment of this title [May 20, 2009], any immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to—

“(1) the provision, by such successor in interest of a notice to vacate to any bona fide tenant at least 90 days before the effective date of such notice; and

“(2) the rights of any bona fide tenant, as of the date of such notice of foreclosure—

“(A) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease, except that a successor in interest may terminate a lease effective on the date of sale of the unit to a purchaser who will occupy the unit as a primary residence, subject to the receipt by the tenant of the 90 day notice under paragraph (1); or

“(B) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90 day notice under subsection (1), except that nothing under this section shall affect the requirements for termination of any Federal- or State-subsidized tenancy or of any State or local law that provides longer time periods or other additional protections for leases.

“(b) BONA FIDE LEASE OR TENANCY.—For purposes of this section, a lease or tenancy shall be considered bona fide only if—

“(1) the mortgagor or the child, spouse, or parent of the mortgagor under the contract is not the tenant;

“(2) the lease or tenancy was the result of an arms-length transaction; and

“(3) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property or the unit’s rent is reduced or subsidized due to a Federal, State, or local subsidy.

“(c) DEFINITION.—For purposes of this section, the term ‘federally-related mortgage loan’ has the same meaning as in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602).”

[Pub. L. 111-203, title XIV, §§1400(c), 1484(1), July 21, 2010, 124 Stat. 2136, 2204, provided that, section 702 of Pub. L. 111-22, set out above, is amended, effective on the date on which final regulations implementing such amendment take effect, or on the date that is 18 months after the designated transfer date (defined in section 1495 of Pub. L. 111-203, set out as a note under section 1601 of Title 15, Commerce and Trade) if such regulations have not been issued by that date, in subsection (a)(2), by striking “, as of the date of such notice of foreclosure” and, in subsection (c), by inserting after the period the following: “For purposes of this section, the date of a notice of foreclosure shall be deemed to be the date on which complete title to a property is transferred to a successor entity or person as a result of an order of a court or pursuant to provisions in a mortgage, deed of trust, or security deed.”]

[Section 702 of Pub. L. 111-22, set out above, repealed Dec. 31, 2014, see section 704 of Pub. L. 111-22, set out as a Termination Date of 2009 Amendment note under section 1437f of Title 42, The Public Health and Welfare.]

#### § 5220a. Application of GSE conforming loan limit to mortgages assisted with TARP funds

In making any assistance available to prevent and mitigate foreclosures on residential properties, including any assistance for mortgage modifications, using any amounts made available to the Secretary of the Treasury under title I of the Emergency Economic Stabilization Act of 2008 [12 U.S.C. 5211 et seq.], the Secretary shall provide that the limitation on the maximum original principal obligation of a mortgage that may be modified, refinanced, made, guaranteed, insured, or otherwise assisted, using such amounts shall not be less than the dollar

amount limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal Home Loan Mortgage Corporation that is in effect, at the time that the mortgage is modified, refinanced, made, guaranteed, insured, or otherwise assisted using such amounts, for the area in which the property involved in the transaction is located.

(Pub. L. 111-22, div. A, title II, §205, May 20, 2009, 123 Stat. 1654.)

#### REFERENCES IN TEXT

The Emergency Economic Stabilization Act of 2008, referred to in text, is div. A of Pub. L. 110-343, Oct. 3, 2008, 122 Stat. 3765. Title I of the Act is classified principally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 5201 of this title and Tables.

#### CODIFICATION

Section was enacted as part of the Helping Families Save Their Homes Act of 2009, and not as part of the Emergency Economic Stabilization Act of 2008 which comprises this chapter.

### § 5220b. Multifamily mortgage resolution program

#### (a) Establishment

The Secretary of Housing and Urban Development shall develop a program under this subsection to ensure the protection of current and future tenants and at-risk multifamily properties, where feasible, based on criteria that may include—

(1) creating sustainable financing of such properties, that may take into consideration such factors as—

(A) the rental income generated by such properties; and

(B) the preservation of adequate operating reserves;

(2) maintaining the level of Federal, State, and city subsidies in effect as of July 21, 2010;

(3) providing funds for rehabilitation; and

(4) facilitating the transfer of such properties, when appropriate and with the agreement of owners, to responsible new owners and ensuring affordability of such properties.

#### (b) Coordination

The Secretary of Housing and Urban Development may, in carrying out the program developed under this section, coordinate with the Secretary of the Treasury, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, the Federal Housing Finance Agency, and any other Federal Government agency that the Secretary considers appropriate.

#### (c) Definition

For purposes of this section, the term “multifamily properties” means a residential structure that consists of 5 or more dwelling units.

#### (d) Prevention of qualification for criminal applicants

##### (1) In general

No person shall be eligible to begin receiving assistance from the Making Home Affordable Program authorized under the Emergency

Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.), or any other mortgage assistance program authorized or funded by that Act, on or after 60 days after July 21, 2010, if such person, in connection with a mortgage or real estate transaction, has been convicted, within the last 10 years, of any one of the following:

- (A) Felony larceny, theft, fraud, or forgery.
- (B) Money laundering.
- (C) Tax evasion.

**(2) Procedures**

The Secretary shall establish procedures to ensure compliance with this subsection.

**(3) Report**

The Secretary shall report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding the implementation of this provision. The report shall also describe the steps taken to implement this subsection.

(Pub. L. 111-203, title XIV, §1481, July 21, 2010, 124 Stat. 2202.)

REFERENCES IN TEXT

The Emergency Economic Stabilization Act of 2008, referred to in subsec. (d)(1), is div. A of Pub. L. 110-343, Oct. 3, 2008, 122 Stat. 3765, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 5201 of this title and Tables.

CODIFICATION

Section was enacted as part of the Mortgage Reform and Anti-Predatory Lending Act, and also as part of the Dodd-Frank Wall Street Reform and Consumer Protection Act, and not as part of the Emergency Economic Stabilization Act of 2008 which comprises this chapter.

EFFECTIVE DATE

Section effective on the date on which final regulations implementing such section take effect, or on the date that is 18 months after the designated transfer date if such regulations have not been issued by that date, see section 1400(c) of Pub. L. 111-203, set out as an Effective Date of 2010 Amendment note under section 1601 of Title 15, Commerce and Trade.

DEFINITIONS

For definitions of terms contained in this section, see section 5301 of this title.

**§ 5221. Executive compensation and corporate governance**

**(a) Definitions**

For purposes of this section, the following definitions shall apply:

**(1) Senior executive officer**

The term “senior executive officer” means an individual who is 1 of the top 5 most highly paid executives of a public company, whose compensation is required to be disclosed pursuant to the Securities Exchange Act of 1934 [15 U.S.C. 78a et seq.], and any regulations issued thereunder, and non-public company counterparts.

**(2) Golden parachute payment**

The term “golden parachute payment” means any payment to a senior executive offi-

cer for departure from a company for any reason, except for payments for services performed or benefits accrued.

**(3) TARP recipient**

The term “TARP recipient” means any entity that has received or will receive financial assistance under the financial assistance provided under the TARP.

**(4) Commission**

The term “Commission” means the Securities and Exchange Commission.

**(5) Period in which obligation is outstanding; rule of construction**

For purposes of this section, the period in which any obligation arising from financial assistance provided under the TARP remains outstanding does not include any period during which the Federal Government only holds warrants to purchase common stock of the TARP recipient.

**(b) Executive compensation and corporate governance**

**(1) Establishment of standards**

During the period in which any obligation arising from financial assistance provided under the TARP remains outstanding, each TARP recipient shall be subject to—

- (A) the standards established by the Secretary under this section; and
- (B) the provisions of section 162(m)(5) of title 26, as applicable.

**(2) Standards required**

The Secretary shall require each TARP recipient to meet appropriate standards for executive compensation and corporate governance.

**(3) Specific requirements**

The standards established under paragraph (2) shall include the following:

- (A) Limits on compensation that exclude incentives for senior executive officers of the TARP recipient to take unnecessary and excessive risks that threaten the value of such recipient during the period in which any obligation arising from financial assistance provided under the TARP remains outstanding.

- (B) A provision for the recovery by such TARP recipient of any bonus, retention award, or incentive compensation paid to a senior executive officer and any of the next 20 most highly-compensated employees of the TARP recipient based on statements of earnings, revenues, gains, or other criteria that are later found to be materially inaccurate.

- (C) A prohibition on such TARP recipient making any golden parachute payment to a senior executive officer or any of the next 5 most highly-compensated employees of the TARP recipient during the period in which any obligation arising from financial assistance provided under the TARP remains outstanding.

- (D)(i) A prohibition on such TARP recipient paying or accruing any bonus, retention award, or incentive compensation during the