

fied principally to this chapter (§1701 et seq.). Section 408 of the National Housing Act, which was classified to section 1730a of this title, was repealed by Pub. L. 101-73, title IV, §407, Aug. 9, 1989, 103 Stat. 363. For complete classification of this Act to the Code, see section 1701 of this title and Tables.

Section 103(f) of the Truth in Lending Act, referred to in subsec. (a)(1)(C)(v), was redesignated section 103(g) of the Truth in Lending Act by Pub. L. 111-203, title X, §1100A(1)(A), July 21, 2010, 124 Stat. 2107, and is classified to section 1602(g) of Title 15, Commerce and Trade.

#### CODIFICATION

Section was enacted as part of the Depository Institutions Deregulation and Monetary Control Act of 1980, and not as part of the National Housing Act which comprises this chapter.

#### AMENDMENTS

1981—Subsec. (a)(1)(C)(vi). Pub. L. 97-35 inserted reference to a residential manufactured home.

1980—Subsec. (a)(1)(A). Pub. L. 96-399, §324(a), substituted “all stock allocated to a dwelling unit” for first reference to “stock” and struck out “where the loan, mortgage, or advance is used to finance the acquisition of such stock” after “housing corporation”.

Subsec. (a)(1)(C)(vi). Pub. L. 96-399, §324(e), inserted reference to any person who finances the sale or exchange of residential real property which such individual owns and which such individual occupies or has occupied as his principal residence.

Subsec. (a)(2). Pub. L. 96-221, §207(b)(11), struck out “(A)” after “(2)” and struck out subpar. (B) which provided that this paragraph shall not apply to any such deposit, account, or obligation which is payable only at an office of an insured bank, as defined in section 3 of the Federal Deposit Insurance Act, located in the Commonwealth of Puerto Rico.

Subsec. (e)(4). Pub. L. 96-399, §308(c)(6), substituted “manufactured” for “mobile”.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-221, title II, §207(b), Mar. 31, 1980, 94 Stat. 144, provided in part that the amendment made by that section is effective 6 years after Mar. 31, 1980.

#### SEVERABILITY

Pub. L. 96-221, title V, §526, Mar. 31, 1980, 94 Stat. 167, provided that: “If any provision of this Act [for classification of Act to the Code, see Short Title of 1980 Amendment note set out under section 226 of this title and Tables] or the application of such provision to any person or circumstance shall be held invalid, the remainder of this Act and the application of such provision to any person or circumstance other than that as to which it is held invalid shall not be affected thereby.”

#### TRANSFER OF FUNCTIONS

Federal Home Loan Bank Board abolished and functions transferred, see sections 401 to 406 of Pub. L. 101-73, set out as a note under section 1437 of this title.

#### CHOICE OF HIGHEST APPLICABLE INTEREST RATE

Pub. L. 96-221, title V, §528, Mar. 31, 1980, 94 Stat. 168, provided that: “In any case in which one or more provisions of, or amendments made by, this title [enacting sections 86a, 1730g, 1735f-7a, and 1831d of this title, amending section 1785 of this title and section 687 of Title 15, Commerce and Trade, and enacting provisions set out as notes under sections 86a, 1730g, and 1735f-7 of this title], section 529 of the National Housing Act [section 1735f-7 of this title], or any other provision of law, including section 5197 of the Revised Statutes (12 U.S.C. 85), apply with respect to the same loan, mortgage, credit sale, or advance, such loan, mortgage, credit sale, or advance may be made at the highest applicable rate.”

#### DEFINITION OF “STATE”

Pub. L. 96-221, title V, §527, Mar. 31, 1980, 94 Stat. 168, as amended by Pub. L. 96-221, title II, §207(b)(12), Mar. 31, 1980, 94 Stat. 144, provided that: “For purposes of this title [enacting sections 86a, 1730g, 1735f-7a, and 1831d of this title, amending section 1785 of this title and section 687 of Title 15, Commerce and Trade, and enacting provisions set out as notes under sections 86a, 1730g, 1735f-7, and 1735f-7a of this title] the term ‘State’ includes the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Trust Territories of the Pacific Islands, the Northern Mariana Islands, and the Virgin Islands.”

[Pub. L. 96-221, title II, §207(b), Mar. 31, 1980, 94 Stat. 144, provided that the amendment of above note made by that section is effective 6 years after Mar. 31, 1980.]

[For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.]

#### § 1735f-8. Time of payment of premium charges

In carrying out the provisions of subchapters I, II, IV,<sup>1</sup> VII, VIII, IX-B, and X pertaining to the payment of loan or mortgage insurance premium charges by a financial institution, other mortgagees, or agent thereof to the Federal Government in connection with a loan or mortgage insurance program established pursuant to any of these subchapters, the Secretary shall require that payment of such premiums be made (1) in the case of loans or mortgages respecting one- to four-family residences, promptly upon their receipt from the borrower, and (2) in any other case, promptly when due to the Secretary; except that the Secretary may approve payment of such premiums within twenty-four months of such receipt or due date, as appropriate, if the financial institution, mortgagee, or agent thereof pays interest, at a rate specified by the Secretary, to the insurance fund for the period beginning twenty days after receipt from the borrower or after the due date, as appropriate, and ending upon payment of the premiums to the Federal Government.

(June 27, 1934, ch. 847, title V, §530, as added Pub. L. 96-399, title III, §320, Oct. 8, 1980, 94 Stat. 1646; amended Pub. L. 98-181, title I [title IV, §406], Nov. 30, 1983, 97 Stat. 1210; Pub. L. 101-235, title I, §133(d)(5), Dec. 15, 1989, 103 Stat. 2027.)

#### REFERENCES IN TEXT

Subchapter IV of this chapter, referred to in text, was repealed by Pub. L. 101-73, title IV, §407, Aug. 9, 1989, 103 Stat. 363.

#### AMENDMENTS

1989—Pub. L. 101-235 struck out reference to subchapter IX-A after reference to subchapter VIII.

1983—Pub. L. 98-181 substituted “(1) in the case of loans or mortgages respecting one- to four-family residences, promptly upon their receipt from the borrower, and (2) in any other case, promptly when due to the Secretary” for “promptly upon their receipt from the borrower”, inserted “or due date, as appropriate,” after “such receipt”, and inserted “or after the due date, as appropriate,” before “and ending”.

#### § 1735f-9. Limitation on commitments to insure loans and mortgages

(a) The authority of the Secretary to enter into commitments to insure loans and mort-

<sup>1</sup> See References in Text note below.

gages under this chapter shall be effective for any fiscal year only to such extent or in such amounts as are or have been provided in appropriation Acts for such fiscal year.

(b) Notwithstanding any other provision of law and subject only to the absence of qualified requests for insurance, to the authority provided in this chapter, and to the limitation in subsection (a), the Secretary shall enter into commitments to insure mortgages under this chapter with an aggregate principal amount of \$110,165,000,000 during fiscal year 1993 and \$68,673,868,600 during fiscal year 1994.

(June 27, 1934, ch. 847, title V, § 531, as added Pub. L. 97-35, title III, § 335, Aug. 13, 1981, 95 Stat. 414; amended Pub. L. 98-181, title I [title IV, § 402], Nov. 30, 1983, 97 Stat. 1208; Pub. L. 98-479, title I, § 104(a)(7), Oct. 17, 1984, 98 Stat. 2225; Pub. L. 99-267, § 1(h), Mar. 27, 1986, 100 Stat. 73; Pub. L. 100-122, § 2(c), Sept. 30, 1987, 101 Stat. 793; Pub. L. 100-242, title IV, § 402, Feb. 5, 1988, 101 Stat. 1899; Pub. L. 101-625, title III, § 321, Nov. 28, 1990, 104 Stat. 4134; Pub. L. 102-550, title V, § 501, Oct. 28, 1992, 106 Stat. 3778; Pub. L. 103-120, § 9, Oct. 27, 1993, 107 Stat. 1151.)

#### AMENDMENTS

1993—Subsec. (b). Pub. L. 103-120 substituted “\$110,165,000,000” for “\$65,905,824,960”.

1992—Subsec. (b). Pub. L. 102-550 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Notwithstanding any other provision of law and subject only to the absence of qualified requests for insurance, to the authority provided in this chapter, and to the limitation in subsection (a) of this section, the Secretary shall enter into commitments to insure mortgages under this chapter with an aggregate principal amount of \$76,791,000,000 during fiscal year 1991 and \$79,818,000,000 during fiscal year 1992.”

1990—Subsec. (b). Pub. L. 101-625 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Notwithstanding any other provision of law and subject only to the absence of qualified requests for insurance, to the authority provided in this chapter, and to the limitation in subsection (a) of this section, the Secretary shall enter into commitments to insure mortgages under this chapter with an aggregate principal amount of \$100,000,000,000 during fiscal year 1988, and \$104,000,000,000 during fiscal year 1989.”

1988—Pub. L. 100-242 designated existing provisions as subsec. (a) and added subsec. (b).

1987—Pub. L. 100-122 substituted “for any fiscal year” for “for fiscal year 1986”.

1986—Pub. L. 99-267 amended section generally. Prior to amendment, section read as follows: “Notwithstanding any other provision of law and subject only to the absence of qualified requests for insurance, to the authority provided in this chapter, and to any funding limitation approved in appropriation Acts, the Secretary shall enter into commitments during each of the fiscal years 1984 and 1985 to insure mortgages under this chapter with an aggregate principal amount of \$50,900,000,000.”

1984—Pub. L. 98-479 substituted “this chapter” for “subchapter II of this chapter” in two places.

1983—Pub. L. 98-181 substituted provision authorizing the Secretary, subject to certain qualifications, to enter into commitments during fiscal years 1984 and 1985 to insure mortgages under subchapter II of this chapter with an aggregate principal amount of \$50,900,000,000 for provision which directed the Secretary, during fiscal year 1982, not to enter into commitments under this chapter to insure loans and mortgages with an aggregate principal amount in excess of \$41,000,000,000.

#### EFFECTIVE DATE

Section effective Oct. 1, 1981, see section 371 of Pub. L. 97-35, set out as a note under section 3701 of this title.

#### AUTHORIZATION TO ENTER INTO ADDITIONAL COMMITMENTS TO INSURE LOANS AND MORTGAGES DURING FISCAL YEAR 1986

For increase in the applicable limitation on additional commitments to insure mortgages and loans to carry out this chapter during fiscal year 1986, see Pub. L. 99-349, title I, July 2, 1986, 100 Stat. 728; Pub. L. 99-345, § 2, June 24, 1986, 100 Stat. 673; and Pub. L. 99-289, May 2, 1986, 100 Stat. 412, set out as notes under section 1721 of this title.

### § 1735f-10. Change of mortgagee status

#### (a) Notification

Upon the occurrence of any action described in subsection (b), an approved mortgagee shall immediately submit to the Secretary, in writing, notification of such occurrence.

#### (b) Actions

The actions described in this subsection are as follows:

(1) The debarment, suspension or a Limited Denial of Participation (LDP), or application of other sanctions, other exclusions, fines, or penalties applied to the mortgagee or to any officer, partner, director, principal, manager, supervisor, loan processor, loan underwriter, or loan originator of the mortgagee pursuant to applicable provisions of State or Federal law.

(2) The revocation of a State-issued mortgage loan originator license issued pursuant to the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.) or any other similar declaration of ineligibility pursuant to State law.

(June 27, 1934, ch. 847, title V, § 532, as added Pub. L. 111-22, div. A, title II, § 203(e), May 20, 2009, 123 Stat. 1647.)

#### REFERENCES IN TEXT

The S.A.F.E. Mortgage Licensing Act of 2008, referred to in subsec. (b)(2), is title V of div. A of Pub. L. 110-289, July 30, 2008, 122 Stat. 2810, also known as the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, which is classified generally to chapter 51 (§ 5101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5101 of this title and Tables.

#### PRIOR PROVISIONS

A prior section 1735f-10, act June 27, 1934, ch. 847, title V, § 532, as added Pub. L. 97-35, title III, § 339G, Aug. 13, 1981, 95 Stat. 418, which related to purchaser-broker arrangement payments for insurance purposes, was repealed by section 203(e) of Pub. L. 111-22.

### § 1735f-11. Review of mortgagee performance and authority to terminate

#### (a) Periodic review of mortgagee performance

To reduce losses in connection with single family mortgage insurance programs under this chapter, at least once a year the Secretary shall review the rate of early defaults and claims for insured single family mortgages originated or underwritten by each mortgagee.

#### (b) Comparison with other mortgagees

For each mortgagee, the Secretary shall compare the rate of early defaults and claims for in-