

able intent of Congress and the amendments by Pub. L. 111-22, § 202(a)(3)(B)(i), (D)(ii), (7). See 2009 Amendment notes below.

Another section 257 of act June 27, 1934, was renumbered section 258 and is classified to section 1715z-24 of this title.

AMENDMENTS

2009—Subsec. (c)(1). Pub. L. 111-22, § 202(a)(1)(A), (B), substituted “Secretary” for “the Board” in heading and “Secretary, after consultation with the Board,” for “Board” in introductory provisions.

Subsec. (c)(1)(A). Pub. L. 111-22, § 202(a)(1)(C), inserted “consistent with section 1709(b) of this title to the maximum extent possible” before semicolon.

Subsec. (c)(3). Pub. L. 111-22, § 202(a)(1)(D), added par. (3).

Subsec. (e)(1). Pub. L. 111-22, § 202(a)(3)(A), added par. (1) and struck out former par. (1) which related to lack of capacity to pay existing mortgage.

Subsec. (e)(2). Pub. L. 111-22, § 202(a)(2), substituted “established by the Secretary” for “established by the Board” in subpar. (A) and “Secretary” for “Board” in two places in subpar. (B).

Subsec. (e)(4)(A). Pub. L. 111-22, § 202(a)(3)(B)(i), struck out “; subject to standards established by the Board under subparagraph (B),” after “may take such actions”. See Codification note above.

Subsec. (e)(4)(B)(i). Pub. L. 111-22, § 202(a)(3)(B)(ii), substituted “may” for “shall”.

Pub. L. 111-22, § 202(a)(2), substituted “The Secretary” for “The Board”.

Subsec. (e)(4)(B)(ii). Pub. L. 111-22, § 202(a)(2), substituted “Secretary” for “Board” in introductory provisions and in subcl. (IV).

Subsec. (e)(7). Pub. L. 111-22, § 202(a)(3)(C), struck out “; and provided that such new outstanding liens (A) do not reduce the value of the Government’s equity in the borrower’s home; and (B) when combined with the mortgagor’s existing mortgage indebtedness, do not exceed 95 percent of the home’s appraised value at the time of the new second lien” after “property standards”.

Pub. L. 111-22, § 202(a)(2), substituted “Secretary” for “Board”.

Subsec. (e)(9). Pub. L. 111-22, § 202(a)(3)(D), substituted “in accordance with procedures and standards that the Secretary shall establish (provided that such procedures and standards are consistent with section 1709(b) of this title to the maximum extent possible) which may include requiring the mortgagee to procure” for “by procuring (A) an income tax return transcript of the income tax returns of the mortgagor, or (B)” and struck out “and by any other method, in accordance with procedures and standards that the Board shall establish” before period at end. See Codification note above.

Subsec. (e)(10). Pub. L. 111-22, § 202(a)(3)(E), designated existing provisions as subpar. (A), inserted subpar. (A) heading, and added subpar. (B).

Subsec. (e)(11). Pub. L. 111-22, § 202(a)(3)(F), inserted “, except that the Secretary may provide exceptions to such latter requirement (relating to present ownership interest) for any mortgagor who has inherited a property” before period at end.

Subsec. (e)(12). Pub. L. 111-22, § 202(a)(3)(G), added par. (12).

Subsec. (h)(1). Pub. L. 111-22, § 202(a)(2), substituted “Secretary” for “Board” in two places.

Subsec. (h)(2). Pub. L. 111-22, § 202(a)(4), substituted “The Secretary shall not pay” for “The Board shall prohibit the Secretary from paying”.

Subsec. (h)(3). Pub. L. 111-22, § 202(a)(2), substituted “The Secretary” for “The Board”.

Subsec. (i). Pub. L. 111-22, § 202(a)(5), designated existing provisions as par. (1) and inserted heading, redesignated former pars. (1) and (2) as subpars. (A) and (B) of par. (1), respectively, and adjusted margins, substituted “not more than 3 percent” for “equal to 3 percent” in par. (1)(A) and “not more than 1.5 percent” for “equal to 1.5 percent” in par. (1)(B), and added par. (2).

Subsec. (j). Pub. L. 111-22, § 202(a)(2), substituted “Secretary” for “Board” in introductory provisions.

Subsec. (k). Pub. L. 111-22, § 202(a)(6)(A), substituted “Exit fee” for “Equity and appreciation” in heading.

Subsec. (k)(1). Pub. L. 111-22, § 202(a)(6)(B), substituted “the mortgage being insured under this section” for “such sale or refinancing” in introductory provisions.

Subsec. (k)(2). Pub. L. 111-22, § 202(a)(6)(C), substituted “may, upon any sale or disposition of the property to which the mortgage relates, be entitled to up to 50 percent of appreciation, up to the appraised value of the home at the time when the mortgage being refinanced under this section was originally made. The Secretary may share any amounts received under this paragraph with or assign the rights of any amounts due to the Secretary to the holder of the existing senior mortgage on the eligible mortgage, the holder of any existing subordinate mortgage on the eligible mortgage, or both.” for “and the mortgagor of such mortgage shall, upon any sale or disposition of the property to which such mortgage relates, each be entitled to 50 percent of any appreciation in value of the appraised value of such property that has occurred since the date that such mortgage was insured under this section.”

Subsec. (l)(1). Pub. L. 111-22, § 202(a)(2), substituted “Secretary” for “Board”.

Subsec. (n). Pub. L. 111-22, § 202(a)(2), (7), substituted “Secretary” for “the Board” in heading and “Secretary” for “Board” in introductory provisions and in par. (6). See Codification note above.

Subsec. (p). Pub. L. 111-22, § 202(a)(8), substituted “The” for “Under the direction of the Board, the” in introductory provisions.

Subsec. (s)(2). Pub. L. 111-22, § 202(a)(9)(A), substituted “Advisory Board for” for “Board of Directors of”.

Subsec. (s)(3)(A)(ii). Pub. L. 111-22, § 202(a)(9)(B), substituted “such” for “subsection (e)(1)(B) and such other”.

Pub. L. 111-22, § 202(a)(2), substituted “Secretary” for “Board”.

Subsec. (v). Pub. L. 111-22, § 202(a)(2), (10), substituted “action of the Secretary” for “action of the Board” and inserted at end “The Secretary shall conform documents, forms, and procedures for mortgages insured under this section to those in place for mortgages insured under section 1709(b) of this title to the maximum extent possible consistent with the requirements of this section.”

Subsecs. (x), (y). Pub. L. 111-22, § 202(a)(11), added subsecs. (x) and (y).

2008—Subsec. (e)(1)(B). Pub. L. 110-343, § 124(1)(A), inserted “, or thereafter is likely to have, due to the terms of the mortgage being reset,” before “a ratio”.

Subsec. (e)(2)(B). Pub. L. 110-343, § 124(1)(B), inserted “(or such higher percentage as the Board determines, in the discretion of the Board)” before period at end.

Subsec. (e)(4)(A). Pub. L. 110-343, § 124(1)(C), inserted “and any payments made under this paragraph,” after “insured loan” and inserted “Such actions may include making payments, which shall be accepted as payment in full of all indebtedness under the eligible mortgage, to any holder of an existing subordinate mortgage, in lieu of any future appreciation payments authorized under subparagraph (B).” at end.

Subsec. (w)(1)(C). Pub. L. 110-343, § 124(2), inserted “and payments pursuant to subsection (e)(4)(A)” before period at end.

§ 1715z-24. Pilot program for automated process for borrowers without sufficient credit history

(a) Establishment

The Secretary shall carry out a pilot program to establish, and make available to mortgagees, an automated process for providing alternative credit rating information for mortgagors and prospective mortgagors under mortgages on 1-

to 4-family residences to be insured under this subchapter who have insufficient credit histories for determining their creditworthiness. Such alternative credit rating information may include rent, utilities, and insurance payment histories, and such other information as the Secretary considers appropriate.

(b) Scope

The Secretary may carry out the pilot program under this section on a limited basis or scope, and may consider limiting the program to first-time homebuyers.

(c) Limitation

In any fiscal year, the aggregate number of mortgages insured pursuant to the automated process established under this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary under this subchapter during the preceding fiscal year.

(d) Sunset

After the expiration of the 5-year period beginning on July 30, 2008, the Secretary may not enter into any new commitment to insure any mortgage, or newly insure any mortgage, pursuant to the automated process established under this section.

(June 27, 1934, ch. 847, title II, §258, formerly §257, as added Pub. L. 110-289, div. B, title I, §2124(a), July 30, 2008, 122 Stat. 2839; renumbered §258, Pub. L. 111-22, div. A, title II, §202(c), May 20, 2009, 123 Stat. 1643.)

§ 1715z-25. Mortgage modification data collecting and reporting

(a) Reporting requirements

Not later than 120 days after May 20, 2009, and quarterly thereafter, the Comptroller of the Currency and the Director of the Office of Thrift Supervision,¹ shall jointly submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate,² the Committee on Financial Services of the House of Representatives on the volume of mortgage modifications reported to the Office of the Comptroller of the Currency and the Office of Thrift Supervision, under the mortgage metrics program of each such Office, during the previous quarter, including the following:

- (1) A copy of the data collection instrument currently used by the Office of the Comptroller of the Currency and the Office of Thrift Supervision to collect data on loan modifications.
- (2) The total number of mortgage modifications in each State that result in each of the following:
 - (A) Additions of delinquent payments and fees to loan balances.
 - (B) Interest rate reductions and freezes.
 - (C) Term extensions.
 - (D) Reductions of principal.
 - (E) Deferrals of principal.
 - (F) Combinations of modifications described in subparagraph (A), (B), (C), (D), or (E).

¹ So in original. The comma probably should not appear.

² So in original. The word "and" probably should appear instead of the comma.

(3) The total number of mortgage modifications in each State for which the total monthly principal and interest payment resulted in the following:

- (A) An increase.
- (B) Remained the same.
- (C) Decreased less than 10 percent.
- (D) Decreased between 10 percent and 20 percent.
- (E) Decreased 20 percent or more.

(4) The total number of loans in each State that have been modified and then entered into default, where the loan modification resulted in—

- (A) higher monthly payments by the homeowner;
- (B) equivalent monthly payments by the homeowner;
- (C) lower monthly payments by the homeowner of up to 10 percent;
- (D) lower monthly payments by the homeowner of between 10 percent to 20 percent; or
- (E) lower monthly payments by the homeowner of more than 20 percent.

(b) Data collection

(1) Required

(A) In general

Not later than 60 days after May 20, 2009, the Comptroller of the Currency and the Director of the Office of Thrift Supervision,¹ shall issue mortgage modification data collection and reporting requirements to institutions covered under the reporting requirement of the mortgage metrics program of the Comptroller or the Director. Not later than 60 days after the date of the enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act, the Comptroller of the Currency and the Director of the Office of Thrift Supervision shall update such requirements to reflect amendments made to this section by such Act.

(B) Inclusiveness of collections

The requirements under subparagraph (A) shall provide for the collection of all mortgage modification data needed by the Comptroller of the Currency and the Director of the Office of Thrift Supervision to fulfill the reporting requirements under subsection (a).

(2) Report

The Comptroller of the Currency shall report all requirements established under paragraph (1) to each committee receiving the report required under subsection (a).

(Pub. L. 111-22, div. A, title I, §104, May 20, 2009, 123 Stat. 1636; Pub. L. 111-203, title XIV, §1493, July 21, 2010, 124 Stat. 2206.)

Editorial Notes

REFERENCES IN TEXT

The Dodd-Frank Wall Street Reform and Consumer Protection Act, referred to in subsec. (b)(1)(A), is Pub. L. 111-203, July 21, 2010, 124 Stat. 1376, which enacted chapter 53 (§5301 et seq.) of this title and chapters 108 (§8201 et seq.) and 109 (§8301 et seq.) of Title 15, Commerce and Trade, and enacted, amended, and repealed numerous other sections and notes in the Code. For