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H.R.4173 - Dodd-Frank Wall Street Reform and Consumer Protection Act

111th Congress (2009-2010)

Sponsor: [Rep. Frank, Barney \[D-MA-4\]](#) (Introduced 12/02/2009)
Committees: House - Agriculture; Financial Services; Energy and Commerce; Judiciary; Rules; Budget; Oversight and Government Reform; Ways and Means | Senate - Banking, Housing, and Urban Affairs
Committee Reports: [H. Rept. 111-517 \(Conference Report\)](#)
Latest Action: 07/21/2010 Became Public Law No: 111-203. ([TXT](#) | [PDF](#)) ([All Actions](#))
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Summary(4) **Text(7)** Actions(199) Titles(54) Amendments(24) Cosponsors(0) Committees(9) Related Bills(6)

There are 7 versions:

Text available as: [TXT](#) | [PDF](#)

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Public Law No: 111-203 (07/21/2010)

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DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT

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Public Law 111-203
111th Congress

An Act

To promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ``too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes. <<NOTE: July 21, 2010 - [H.R. 4173]>>

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, <<NOTE: Dodd-Frank Wall Street Reform and Consumer Protection Act.>>

Subtitle C--High-Cost Mortgages

- Sec. 1431. Definitions relating to high-cost mortgages.
- Sec. 1432. Amendments to existing requirements for certain mortgages.
- Sec. 1433. Additional requirements for certain mortgages.

Subtitle D--Office of Housing Counseling

- Sec. 1441. Short title.
- Sec. 1442. Establishment of Office of Housing Counseling.
- Sec. 1443. Counseling procedures.
- Sec. 1444. Grants for housing counseling assistance.
- Sec. 1445. Requirements to use HUD-certified counselors under HUD programs.
- Sec. 1446. Study of defaults and foreclosures.
- Sec. 1447. Default and foreclosure database.
- Sec. 1448. Definitions for counseling-related programs.
- Sec. 1449. Accountability and transparency for grant recipients.
- Sec. 1450. Updating and simplification of mortgage information booklet.

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- Sec. 1451. Home inspection counseling.
- Sec. 1452. Warnings to homeowners of foreclosure rescue scams.

Subtitle E--Mortgage Servicing

- Sec. 1461. Escrow and impound accounts relating to certain consumer credit transactions.
- Sec. 1462. Disclosure notice required for consumers who waive escrow services.
- Sec. 1463. Real Estate Settlement Procedures Act of 1974 amendments.
- Sec. 1464. Truth in Lending Act amendments.
- Sec. 1465. Escrows included in repayment analysis.

Subtitle F--Appraisal Activities

- Sec. 1471. Property appraisal requirements.
- Sec. 1472. Appraisal independence requirements.
- Sec. 1473. Amendments relating to Appraisal Subcommittee of FFIEC, Appraiser Independence Monitoring, Approved Appraiser Education, Appraisal Management Companies, Appraiser Complaint Hotline, Automated Valuation Models, and Broker Price Opinions.
- Sec. 1474. Equal Credit Opportunity Act amendment.
- Sec. 1475. Real Estate Settlement Procedures Act of 1974 amendment relating to certain appraisal fees.
- Sec. 1476. GAO study on the effectiveness and impact of various appraisal methods, valuation models and distributions channels, and on the Home Valuation Code of conduct and the Appraisal Subcommittee.

Subtitle G--Mortgage Resolution and Modification

- Sec. 1481. Multifamily mortgage resolution program.
- Sec. 1482. Home Affordable Modification Program guidelines.

``(v) Corrections and Unintentional <<NOTE: Deadlines. Notifications.>> Violations.--A creditor or assignee in a high-cost mortgage who, when acting in good faith, fails to comply with any requirement under this section will not be deemed to have violated such requirement if the creditor or assignee establishes that either--

``(1) within 30 days of the loan closing and prior to the institution of any action, the consumer is notified of or discovers the violation, appropriate restitution is made, and whatever adjustments are necessary are made to the loan to either, at the choice of the consumer--

``(A) make the loan satisfy the requirements of this chapter; or

``(B) in the case of a high-cost mortgage, change the terms of the loan in a manner beneficial to the consumer so that the loan will no longer be a high-cost mortgage; or

``(2) within 60 days of the creditor's discovery or receipt of notification of an unintentional violation or bona fide error and prior to the institution of any action, the consumer is notified of the compliance failure, appropriate restitution is made, and whatever adjustments are necessary are made to the loan to either, at the choice of the consumer--

``(A) make the loan satisfy the requirements of this chapter; or

``(B) in the case of a high-cost mortgage, change the terms of the loan in a manner beneficial so that the loan will no longer be a high-cost mortgage.''.

Subtitle D--Office <<NOTE: Expand and Preserve Home Ownership Through Counseling Act.>> of Housing Counseling
SEC. 1441. <<NOTE: 12 USC 1701 note.>> SHORT TITLE.

This subtitle may be cited as the ``Expand and Preserve Home Ownership Through Counseling Act''.
SEC. 1442. ESTABLISHMENT OF OFFICE OF HOUSING COUNSELING.

Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding at the end the following new subsection:

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``(g) Office of Housing Counseling.--

``(1) Establishment.--There is established, in the Department, the Office of Housing Counseling.

``(2) Director.--There is established the position of Director of Housing Counseling. The Director shall be the head of the Office of Housing Counseling and shall be appointed by, and shall report to, the Secretary. Such position shall be a career-reserved position in the Senior Executive Service.

``(3) Functions.--

``(A) In general.--The Director shall have primary responsibility within the Department for all activities and matters relating to homeownership counseling and rental housing counseling, including--

``(i) research, grant administration, public

outreach, and policy development relating to such counseling; and

“(ii) establishment, coordination, and administration of all regulations, requirements, standards, and performance measures under programs and laws administered by the Department that relate to housing counseling, homeownership counseling (including maintenance of homes), mortgage-related counseling (including home equity conversion mortgages and credit protection options to avoid foreclosure), and rental housing counseling, including the requirements, standards, and performance measures relating to housing counseling.

“(B) Specific functions.--The Director shall carry out the functions assigned to the Director and the Office under this section and any other provisions of law. Such functions shall include establishing rules necessary for--

“(i) the counseling procedures under section 106(g)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(h)(1));

“(ii) carrying out all other functions of the Secretary under section 106(g) of the Housing and Urban Development Act of 1968, including the establishment, operation, and publication of the availability of the toll-free telephone number under paragraph (2) of such section;

“(iii) contributing to the distribution of home buying information booklets pursuant to section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604);

“(iv) carrying out the certification program under section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e));

“(v) carrying out the assistance program under section 106(a)(4) of the Housing and Urban Development Act of 1968, including criteria for selection of applications to receive assistance;

“(vi) carrying out any functions regarding abusive, deceptive, or unscrupulous lending practices relating to residential mortgage loans that the Secretary considers appropriate, which shall include conducting the study under section 6 of the Expand and Preserve Home Ownership Through Counseling Act;

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“(vii) providing for operation of the advisory committee established under paragraph (4) of this subsection;

“(viii) collaborating with community-based organizations with expertise in the field of housing counseling; and

“(ix) providing for the building of capacity to provide housing counseling services in areas

that lack sufficient services, including underdeveloped areas that lack basic water and sewer systems, electricity services, and safe, sanitary housing.

``(4) Advisory committee.--

``(A) In general.--

The <<NOTE: Appointment.>> Secretary shall appoint an advisory committee to provide advice regarding the carrying out of the functions of the Director.

``(B) Members.--Such advisory committee shall consist of not more than 12 individuals, and the membership of the committee shall equally represent the mortgage and real estate industry, including consumers and housing counseling agencies certified by the Secretary.

``(C) Terms.--Except as provided in subparagraph (D), each member of the advisory committee shall be appointed for a term of 3 years. Members may be reappointed at the discretion of the Secretary.

``(D) Terms of initial appointees.--As designated by the Secretary at the time of appointment, of the members first appointed to the advisory committee, 4 shall be appointed for a term of 1 year and 4 shall be appointed for a term of 2 years.

``(E) Prohibition of pay; travel expenses.--Members of the advisory committee shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

``(F) Advisory role only.--The advisory committee shall have no role in reviewing or awarding housing counseling grants.

``(5) Scope of homeownership counseling.--In carrying out the responsibilities of the Director, the Director shall ensure that homeownership counseling provided by, in connection with, or pursuant to any function, activity, or program of the Department addresses the entire process of homeownership, including the decision to purchase a home, the selection and purchase of a home, issues arising during or affecting the period of ownership of a home (including refinancing, default and foreclosure, and other financial decisions), and the sale or other disposition of a home.''.

SEC. 1443. COUNSELING PROCEDURES.

(a) In General.--Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) is amended by adding at the end the following new subsection:

``(g) Procedures and Activities.--

``(1) Counseling <<NOTE: Definitions.>> procedures.--

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``(A) In general.--The Secretary shall establish, coordinate, and monitor the administration by the Department of Housing and Urban Development of the counseling procedures for homeownership counseling and

rental housing counseling provided in connection with any program of the Department, including all requirements, standards, and performance measures that relate to homeownership and rental housing counseling.

``(B) Homeownership counseling.--For purposes of this subsection and as used in the provisions referred to in this subparagraph, the term 'homeownership counseling' means counseling related to homeownership and residential mortgage loans. Such term includes counseling related to homeownership and residential mortgage loans that is provided pursuant to--

``(i) section 105(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(20));

``(ii) in the United States Housing Act of 1937--

``(I) section 9(e) (42 U.S.C. 1437g(e));

``(II) section 8(y)(1)(D) (42 U.S.C. 1437f(y)(1)(D));

``(III) section 18(a)(4)(D) (42 U.S.C. 1437p(a)(4)(D));

``(IV) section 23(c)(4) (42 U.S.C. 1437u(c)(4));

``(V) section 32(e)(4) (42 U.S.C. 1437z-4(e)(4));

``(VI) section 33(d)(2)(B) (42 U.S.C. 1437z-5(d)(2)(B));

``(VII) sections 302(b)(6) and 303(b)(7) (42 U.S.C. 1437aaa-1(b)(6), 1437aaa-2(b)(7)); and

``(VIII) section 304(c)(4) (42 U.S.C. 1437aaa-3(c)(4));

``(iii) section 302(a)(4) of the American Homeownership and Economic Opportunity Act of 2000 (42 U.S.C. 1437f note);

``(iv) sections 233(b)(2) and 258(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12773(b)(2), 12808(b));

``(v) this section and section 101(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x, 1701w(e));

``(vi) section 220(d)(2)(G) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4110(d)(2)(G));

``(vii) sections 422(b)(6), 423(b)(7), 424(c)(4), 442(b)(6), and 443(b)(6) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12872(b)(6), 12873(b)(7), 12874(c)(4), 12892(b)(6), and 12893(b)(6));

``(viii) section 491(b)(1)(F)(iii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(b)(1)(F)(iii));

``(ix) sections 202(3) and 810(b)(2)(A) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(3), 4229(b)(2)(A));

``(x) in the National Housing Act--

``(I) in section 203 (12 U.S.C. 1709), the penultimate undesignated paragraph of paragraph (2)

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of subsection (b), subsection (c)(2)(A), and subsection (r)(4);

``(II) subsections (a) and (c)(3) of section 237 (12 U.S.C. 1715z-2); and

``(III) subsections (d)(2)(B) and (m)(1) of section 255 (12 U.S.C. 1715z-20);

``(xi) section 502(h)(4)(B) of the Housing Act of 1949 (42 U.S.C. 1472(h)(4)(B));

``(xii) section 508 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-7); and

``(xiii) section 106 of the Energy Policy Act of 1992 (42 U.S.C. 12712 note).

``(C) Rental housing counseling.--For purposes of this subsection, the term `rental housing counseling' means counseling related to rental of residential property, which may include counseling regarding future homeownership opportunities and providing referrals for renters and prospective renters to entities providing counseling and shall include counseling related to such topics that is provided pursuant to--

``(i) section 105(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(20));

``(ii) in the United States Housing Act of 1937--

``(I) section 9(e) (42 U.S.C. 1437g(e));

``(II) section 18(a)(4)(D) (42 U.S.C. 1437p(a)(4)(D));

``(III) section 23(c)(4) (42 U.S.C. 1437u(c)(4));

``(IV) section 32(e)(4) (42 U.S.C. 1437z-4(e)(4));

``(V) section 33(d)(2)(B) (42 U.S.C. 1437z-5(d)(2)(B)); and

``(VI) section 302(b)(6) (42 U.S.C. 1437aaa-1(b)(6));

``(iii) section 233(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12773(b)(2));

``(iv) section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x);

``(v) section 422(b)(6) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12872(b)(6));

``(vi) section 491(b)(1)(F)(iii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(b)(1)(F)(iii));

``(vii) sections 202(3) and 810(b)(2)(A) of the Native American Housing and Self-Determination

Act of 1996 (25 U.S.C. 4132(3), 4229(b)(2)(A));
and

``(viii) the rental assistance program under
section 8 of the United States Housing Act of 1937
(42 U.S.C. 1437f).

``(2) Standards for materials.--The Secretary, in
consultation with the advisory committee established under
subsection (g)(4) of the Department of Housing and Urban
Development Act, shall establish standards for materials and
forms to be used, as appropriate, by organizations providing
homeownership counseling services, including any recipients of
assistance pursuant to subsection (a)(4).

``(3) Mortgage software systems.--

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``(A) Certification.--The Secretary shall provide
for the certification of various computer software
programs for consumers to use in evaluating different
residential mortgage loan proposals. The Secretary shall
require, for such certification, that the mortgage
software systems take into account--

``(i) the consumer's financial situation and
the cost of maintaining a home, including
insurance, taxes, and utilities;

``(ii) the amount of time the consumer expects
to remain in the home or expected time to maturity
of the loan; and

``(iii) such other factors as the Secretary
considers appropriate to assist the consumer in
evaluating whether to pay points, to lock in an
interest rate, to select an adjustable or fixed
rate loan, to select a conventional or government-
insured or guaranteed loan and to make other
choices during the loan application process.

If the Secretary determines that available existing
software is inadequate to assist consumers during the
residential mortgage loan application process, the
Secretary shall arrange for the development by private
sector software companies of new mortgage software
systems that meet the Secretary's specifications.

``(B) Use and initial availability.--Such certified
computer software programs shall be used to supplement,
not replace, housing counseling. The Secretary shall
provide that such programs are initially used only in
connection with the assistance of housing counselors
certified pursuant to subsection (e).

``(C) Availability.--After <<NOTE: Web posting.>> a
period of initial availability under subparagraph (B) as
the Secretary considers appropriate, the Secretary shall
take reasonable steps to make mortgage software systems
certified pursuant to this paragraph widely available
through the Internet and at public locations, including
public libraries, senior-citizen centers, public housing
sites, offices of public housing agencies that
administer rental housing assistance vouchers, and
housing counseling centers.

``(D) Budget compliance.--This paragraph shall be effective only to the extent that amounts to carry out this paragraph are made available in advance in appropriations Acts.

``(4) National public service multimedia campaigns to promote housing counseling.--

``(A) In general.--The Director of Housing Counseling shall develop, implement, and conduct national public service multimedia campaigns designed to make persons facing mortgage foreclosure, persons considering a subprime mortgage loan to purchase a home, elderly persons, persons who face language barriers, low-income persons, minorities, and other potentially vulnerable consumers aware that it is advisable, before seeking or maintaining a residential mortgage loan, to obtain homeownership counseling from an unbiased and reliable

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sources and that such homeownership counseling is available, including through programs sponsored by the Secretary of Housing and Urban Development.

``(B) Contact information.-- <<NOTE: Public information. Web posting.>> Each segment of the multimedia campaign under subparagraph (A) shall publicize the toll-free telephone number and website of the Department of Housing and Urban Development through which persons seeking housing counseling can locate a housing counseling agency in their State that is certified by the Secretary of Housing and Urban Development and can provide advice on buying a home, renting, defaults, foreclosures, credit issues, and reverse mortgages.

``(C) Authorization of appropriations.--There are authorized to be appropriated to the Secretary, not to exceed \$3,000,000 for fiscal years 2009, 2010, and 2011, for the development, implementation, and conduct of national public service multimedia campaigns under this paragraph.

``(D) Foreclosure rescue education programs.--

``(i) In general.--Ten percent of any funds appropriated pursuant to the authorization under subparagraph (C) shall be used by the Director of Housing Counseling to conduct an education program in areas that have a high density of foreclosure. Such program shall involve direct mailings to persons living in such areas describing--

``(I) tips on avoiding foreclosure rescue scams;

``(II) tips on avoiding predatory lending mortgage agreements;

``(III) tips on avoiding for-profit foreclosure counseling services; and

``(IV) local counseling resources that are approved by the Department of Housing and Urban Development.

``(ii) Program emphasis.--In conducting the education program described under clause (i), the Director of Housing Counseling shall also place an emphasis on serving communities that have a high percentage of retirement communities or a high percentage of low-income minority communities.

``(iii) Terms defined.--For purposes of this subparagraph:

``(I) High density of foreclosures.--An area has a `high density of foreclosures' if such area is one of the metropolitan statistical areas (as that term is defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates.

``(II) High percentage of retirement communities.--An area has a `high percentage of retirement communities' if such area is one of the metropolitan statistical areas (as that term is defined by the Director of the Office of Management and Budget) with the highest percentage of residents aged 65 or older.

``(III) High percentage of low-income minority communities.--An area has a `high

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percentage of low-income minority communities' if such area contains a higher-than-normal percentage of residents who are both minorities and low-income, as defined by the Director of Housing Counseling.

``(5) Education programs.--The Secretary shall provide advice and technical assistance to States, units of general local government, and nonprofit organizations regarding the establishment and operation of, including assistance with the development of content and materials for, educational programs to inform and educate consumers, particularly those most vulnerable with respect to residential mortgage loans (such as elderly persons, persons facing language barriers, low-income persons, minorities, and other potentially vulnerable consumers), regarding home mortgages, mortgage refinancing, home equity loans, home repair loans, and where appropriate by region, any requirements and costs associated with obtaining flood or other disaster-specific insurance coverage.''.

(b) Conforming Amendments to Grant Program for Homeownership Counseling Organizations.--Section 106(c)(5)(A)(ii) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(ii)) is amended--

- (1) in subclause (III), by striking ``and'' at the end;
- (2) in subclause (IV) by striking the period at the end and

inserting ``; and''; and

(3) by inserting after subclause (IV) the following new subclause:

``(V) <<NOTE: Notification.>> notify the housing or mortgage applicant of the availability of mortgage software systems provided pursuant to subsection (g) (3).''.

SEC. 1444. GRANTS FOR HOUSING COUNSELING ASSISTANCE.

Section 106(a) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)) is amended by adding at the end the following new paragraph:

``(4) Homeownership and Rental Counseling Assistance.--

``(A) In general.--The Secretary shall make financial assistance available under this paragraph to HUD-approved housing counseling agencies and State housing finance agencies.

``(B) Qualified entities.--

The <<NOTE: Standards. Guidelines.>> Secretary shall establish standards and guidelines for eligibility of organizations (including governmental and nonprofit organizations) to receive assistance under this paragraph, in accordance with subparagraph (D).

``(C) Distribution.--Assistance made available under this paragraph shall be distributed in a manner that encourages efficient and successful counseling programs and that ensures adequate distribution of amounts for rural areas having traditionally low levels of access to such counseling services, including areas with insufficient access to the Internet. In distributing such assistance, the Secretary may give priority consideration to entities serving areas with the highest home foreclosure rates.

``(D) Limitation on distribution of assistance.--

``(i) In general.--None of the amounts made available under this paragraph shall be distributed to--

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``(I) any organization which has been convicted for a violation under Federal law relating to an election for Federal office; or

``(II) any organization which employs applicable individuals.

``(ii) Definition of applicable individuals.--In this subparagraph, the term 'applicable individual' means an individual who--

``(I) is--

``(aa) employed by the organization in a permanent or temporary capacity;

``(bb) contracted or retained by the organization; or

``(cc) acting on behalf of, or with the express or apparent authority of, the organization; and

``(II) has been convicted for a violation under Federal law relating to an election for Federal office.

“(E) Grantmaking process.--In making assistance available under this paragraph, the Secretary shall consider appropriate ways of streamlining and improving the processes for grant application, review, approval, and award.

“(F) Authorization of appropriations.--There are authorized to be appropriated \$45,000,000 for each of fiscal years 2009 through 2012 for--

“(i) the operations of the Office of Housing Counseling of the Department of Housing and Urban Development;

“(ii) the responsibilities of the Director of Housing Counseling under paragraphs (2) through (5) of subsection (g); and

“(iii) assistance pursuant to this paragraph for entities providing homeownership and rental counseling.”.

SEC. 1445. REQUIREMENTS TO USE HUD-CERTIFIED COUNSELORS UNDER HUD PROGRAMS.

Section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) is amended--

(1) by striking paragraph (1) and inserting the following new paragraph:

“(1) Requirement for assistance.--An organization may not receive assistance for counseling activities under subsection (a) (1) (iii), (a) (2), (a) (4), (c), or (d) of this section, or under section 101(e), unless the organization, or the individuals through which the organization provides such counseling, has been certified by the Secretary under this subsection as competent to provide such counseling.”;

(2) in paragraph (2)--

(A) by inserting “and for certifying organizations” before the period at the end of the first sentence; and

(B) in the second sentence by striking “for certification” and inserting “, for certification of an organization, that each individual through which the organization provides counseling shall demonstrate, and, for certification of an individual,”;

(3) in paragraph (3), by inserting “organizations and” before “individuals”;

(4) by redesignating paragraph (3) as paragraph (5); and

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(5) by inserting after paragraph (2) the following new paragraphs:

“(3) Requirement under hud programs.--Any homeownership counseling or rental housing counseling (as such terms are defined in subsection (g) (1)) required under, or provided in connection with, any program administered by the Department of Housing and Urban Development shall be provided only by organizations or counselors certified by the Secretary under this subsection as competent to provide such counseling.

“(4) Outreach.--The Secretary shall take such actions as the Secretary considers appropriate to ensure that individuals and organizations providing homeownership or rental housing

counseling are aware of the certification requirements and standards of this subsection and of the training and certification programs under subsection (f).''.

SEC. 1446. STUDY OF DEFAULTS AND FORECLOSURES.

The Secretary of Housing and Urban Development shall conduct an extensive study of the root causes of default and foreclosure of home loans, using as much empirical data as are available. The study shall also examine the role of escrow accounts in helping prime and nonprime borrowers to avoid defaults and foreclosures, and the role of computer registries of mortgages, including those used for trading mortgage loans. Not later <<NOTE: Deadlines. Reports.>> than 12 months after the date of the enactment of this Act, the Secretary shall submit to the Congress a preliminary report regarding the study. Not later than 24 months after such date of enactment, the Secretary shall submit a final report regarding the results of the study, which shall include any recommended legislation relating to the study, and recommendations for best practices and for a process to identify populations that need counseling the most.

SEC. 1447. <<NOTE: 12 USC 1701p-2.>> DEFAULT AND FORECLOSURE DATABASE.

(a) Establishment.--The <<NOTE: Public information.>> Secretary of Housing and Urban Development and the Director of the Bureau, in consultation with the Federal agencies responsible for regulation of banking and financial institutions involved in residential mortgage lending and servicing, shall establish and maintain a database of information on foreclosures and defaults on mortgage loans for one- to four-unit residential properties and shall make such information publicly available, subject to subsection (e).

(b) Census Tract Data.--Information in the database may be collected, aggregated, and made available on a census tract basis.

(c) Requirements.--Information collected and made available through the database shall include--

- (1) the number and percentage of such mortgage loans that are delinquent by more than 30 days;
- (2) the number and percentage of such mortgage loans that are delinquent by more than 90 days;
- (3) the number and percentage of such properties that are real estate-owned;
- (4) number and percentage of such mortgage loans that are in the foreclosure process;
- (5) the number and percentage of such mortgage loans that have an outstanding principal obligation amount that is greater than the value of the property for which the loan was made; and

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(6) such other information as the Secretary of Housing and Urban Development and the Director of the Bureau consider appropriate.

(d) Rule of Construction.--Nothing in this section shall be construed to encourage discriminatory or unsound allocation of credit or lending policies or practices.

(e) Privacy and Confidentiality.--In establishing and maintaining