

117TH CONGRESS
1ST SESSION

H. R. 3009

To amend the Truth in Lending Act and the Real Estate Settlement Procedures Act of 1974 to establish language access requirements for creditors and servicers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2021

Ms. GARCIA of Texas introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Truth in Lending Act and the Real Estate Settlement Procedures Act of 1974 to establish language access requirements for creditors and servicers, 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 to as the “Improving Lan-
5 guage Access in Mortgage Servicing Act of 2021”.

1 **SEC. 2. LANGUAGE ACCESS REQUIREMENTS AND RE-**
2 **SOURCES.**

3 (a) IN GENERAL.—Chapter 2 of title I of the Truth
4 in Lending Act (15 U.S.C. 1631 et seq.) is amended by
5 inserting after section 129H the following:

6 **“§ 129I. Language access requirements.**

7 “(a) STANDARD LANGUAGE PREFERENCE FORM.—
8 Not later than 90 days after the date of the enactment
9 of this section, the Director of the Bureau of Consumer
10 Financial Protection shall, after consulting with the Sec-
11 retary of Agriculture, the Director of the Federal Housing
12 Finance Agency, the Secretary of Veterans Affairs, and
13 the Commissioner of the Federal Housing Authority, by
14 rule, establish a standard language preference form which
15 includes a standard language preference question asked in
16 each of the 8 languages most commonly spoken by individ-
17 uals with limited English proficiency, as determined by the
18 Director of the Bureau of Consumer Financial Protection
19 using information published by the Director of the Bureau
20 of the Census.

21 “(b) REQUIREMENTS FOR CREDITORS.—

22 “(1) USE OF STANDARD LANGUAGE PREF-
23 ERENCE FORM BY CREDITORS.—

24 “(A) INCLUSION IN APPLICATION.—Each
25 creditor shall include, in any written application
26 used in connection with a residential mortgage

1 loan, the standard language preference form es-
2 tablished by the Director of the Bureau under
3 subsection (a).

4 “(B) INCLUSION OF DISCLOSURE.—Each
5 creditor may include with such standard lan-
6 guage preference form a disclosure stating that
7 documents and services may not be available in
8 the preferred language indicated by the con-
9 sumer on the standard language preference
10 form.

11 “(C) DOCUMENTATION AND TRANSFER OF
12 PREFERRED LANGUAGE INFORMATION.—If a
13 creditor, or assignee of a creditor receives infor-
14 mation about a language preference of a con-
15 sumer through the standard language pref-
16 erence form, orally, or otherwise, including from
17 another creditor or a servicer, such creditor or
18 assignee shall document this language pref-
19 erence in each file or electronic file of informa-
20 tion associated with such consumer and shall
21 transfer such information and the standard lan-
22 guage preference form to any servicer of the
23 loan and to any creditor that may own the loan
24 in the future.

1 “(2) PROVISION OF TRANSLATED DOCU-
2 MENTS.—If a Federal agency or a State or local
3 agency in the State or locality in which the residen-
4 tial property is located has produced a translation of
5 a document used in association with a residential
6 mortgage loan in the preferred language of a con-
7 sumer documented by a creditor pursuant to para-
8 graph (1)(C), such creditor shall—

9 “(A) provide such translation in addition
10 to any English version of such document that
11 would have been provided to such consumer
12 who indicated such preferred language; and

13 “(B) include a notice on the English and
14 translated versions indicating that the English
15 version is the official and operative document
16 and the translated version is for informational
17 purposes only.

18 “(3) ORAL INTERPRETATION SERVICES.—

19 “(A) IN GENERAL.—If a creditor receives
20 information about a language preference of a
21 consumer through the standard language pref-
22 erence form, orally, or otherwise, including from
23 another creditor or a servicer such creditor shall
24 provide oral interpretation services to such con-
25 sumer.

1 “(B) ORAL INTERPRETATION SERVICES.—

2 If a creditor is required under subparagraph
3 (A) to provide oral interpretation services to a
4 consumer, such creditor shall provide oral inter-
5 pretation services in the preferred language of
6 the consumer for all oral communications be-
7 tween the such creditor and the consumer and
8 these oral interpretation services may be pro-
9 vided by qualified staff of the creditor or a
10 third party.

11 “(4) NOTICE OF AVAILABLE LANGUAGE SERV-
12 ICES.—If a creditor receives information about a
13 language preference of a consumer through the
14 standard language preference form, orally, or other-
15 wise, including from another creditor or a servicer
16 such creditor shall, not later than 10 business days
17 after receiving such information, notify such con-
18 sumer in writing, in the preferred language of the
19 consumer, of any language services available, includ-
20 ing the services required under paragraphs (2) and
21 (3).

22 “(5) TRANSFER OF LANGUAGE PREFERENCE
23 INFORMATION.—If a creditor transfers the servicing
24 associated with a residential mortgage loan, such
25 creditor shall notify the transferee servicer of any

1 known language preference of the consumer associ-
2 ated with such residential mortgage loan.

3 “(6) INFORMATION ON WEBSITE.—Each cred-
4 itor shall on the website of the creditor publish—

5 “(A) all documents translated by Federal
6 Housing Finance Agency and the Bureau of
7 Consumer Financial Protection under sub-
8 section (c);

9 “(B) links to the websites maintained by
10 the Secretary of Housing and Urban Develop-
11 ment and the Director of the Bureau of Con-
12 sumer Financial Protection that identify hous-
13 ing counselors approved by the Department of
14 Housing and Urban Development; and

15 “(C) a link to the language resources
16 website established by the Director of the Bu-
17 reau of Consumer Financial Protection, the
18 Secretary of Housing and Urban Development,
19 the Director of the Federal Housing Finance
20 Agency, the Secretary of Agriculture, and the
21 Secretary of Veterans Affairs under section 1(e)
22 of the Improving Language Access in Mortgage
23 Servicing Act of 2021.

24 “(c) TRANSLATION OF MORTGAGE DOCUMENTS.—

25 With respect to each document published by the Federal

1 Housing Finance Agency, the Bureau of Consumer Finan-
2 cial Protection, the Department of Housing and Urban
3 Development, the Department of Veterans Affairs, and
4 the Department of Agriculture and used in association
5 with a residential mortgage loan transaction, including
6 origination and servicing documents, the Director of the
7 Bureau of Consumer Financial Protection and the Direc-
8 tor of the Federal Housing Finance Agency shall jointly—

9 “(1) not later than 180 days after the date of
10 the enactment of this section, publish versions of
11 such documents translated into each of the 8 lan-
12 guages most commonly spoken by individuals with
13 limited English proficiency, as determined by the Di-
14 rector of the Bureau of Consumer Financial Protec-
15 tion using information published by the Director of
16 the Bureau of the Census; and

17 “(2) not later than 3 years after the date of the
18 enactment of this section, publish versions of such
19 documents translated into at least 4 additional lan-
20 guages spoken by individuals with limited English
21 proficiency that are regionally prevalent in the
22 United States, as determined by the Director of the
23 Bureau of Consumer Financial Protection using in-
24 formation published by the Director of the Bureau
25 of the Census.

1 “(d) RULEMAKING.—The Director may issue such
2 rules as the Director determines necessary to implement
3 this section.”.

4 (b) REQUIREMENTS FOR SERVICERS.—Section 6 of
5 the Real Estate Settlement Procedures Act of 1974 is
6 amended by adding at the end the following:

7 “(n) LANGUAGE ACCESS REQUIREMENTS.—

8 “(1) IN GENERAL.—

9 “(A) INCLUSION IN NOTICES.—Each
10 servicer shall include the standard language
11 preference form with—

12 “(i) any notice required under section
13 1024.39(b) of title 12, Code of Federal
14 Regulations;

15 “(ii) any notice required under section
16 (c);

17 “(iii) any notice required under sec-
18 tion 1024.41(b)(2) of title 12, Code of
19 Federal Regulations;

20 “(iv) any notice required under sec-
21 tion 1024.41(c)(2)(iii) of title 12, Code of
22 Federal Regulations; and

23 “(v) any other additional notice as the
24 Director of the Bureau of Consumer Fi-
25 nancial Protection determines necessary.

1 “(B) INCLUSION OF DISCLOSURES.—A
2 servicer may include with the standard lan-
3 guage preference form a disclosure stating that
4 documents and services may not be available in
5 the preferred language of the borrower indi-
6 cated by the consumer on the standard lan-
7 guage preference form.

8 “(C) DOCUMENTATION AND TRANSFER OF
9 PREFERRED LANGUAGE INFORMATION.—If a
10 servicer or an assignee of a servicer receives in-
11 formation about a language preference of a bor-
12 rower through the standard language preference
13 form, orally, or otherwise, including from an-
14 other servicer or creditor, such servicer or as-
15 signee shall document this language preference
16 in each file or electronic file of information as-
17 sociated with such borrower and shall transfer
18 such information and the standard language
19 preference form to any other servicer that may
20 service the loan in the future.

21 “(2) REQUIRED LANGUAGE SERVICES FOR
22 SERVICERS.—

23 “(A) PROVISION OF TRANSLATED DOCU-
24 MENTS.—If a Federal agency, or a State or
25 local agency in the State or locality in which

1 the property subject to the federally related
2 mortgage loan is to be located has produced a
3 translation of a document used in associated
4 with a federally related mortgage loan in the
5 preferred language of a borrower as docu-
6 mented by the servicer pursuant to paragraph
7 (1)(C), the servicer shall—

8 “(i) provide such translation in addi-
9 tion to any English version of such docu-
10 ment that would have been provided to
11 such borrower; and

12 “(ii) include a notice on the English
13 and translated versions, in the preferred
14 language of the borrower, indicating that
15 the English version is the official and oper-
16 ative document and the translated version
17 is for informational purposes only.

18 “(B) ORAL INTERPRETATION SERVICES.—

19 “(v) IN GENERAL.—If a servicer re-
20 ceives information about a language pref-
21 erence of a borrower through the standard
22 language preference form, orally, or other-
23 wise, including from another servicer or
24 creditor such servicer shall provide oral in-
25 terpretation services to such borrower.

1 “(vi) ORAL INTERPRETATION SERV-
2 ICES.—If a servicer is required under sub-
3 paragraph (A) to provide oral interpreta-
4 tion services to a borrower, such servicer
5 shall provide oral interpretation services in
6 the preferred language of the borrower for
7 all oral communications between the such
8 servicer and the borrower and these oral
9 interpretation services may be provided by
10 qualified staff of the borrower or a third
11 party.

12 “(3) NOTICE OF AVAILABLE LANGUAGE SERV-
13 ICES.—If a servicer receives information about a
14 language preference of a borrower through the
15 standard language preference form, orally, or other-
16 wise, including from another creditor such servicer
17 shall, not later than 10 business days after receiving
18 such information, notify such borrower in writing, in
19 the preferred language of the borrower, of any lan-
20 guage services available, including the services re-
21 quired under paragraph (2).

22 “(4) TRANSFER OF LANGUAGE PREFERENCE
23 INFORMATION.—If a servicer transfers the servicing
24 associated with a federally related mortgage loan,
25 such servicer shall notify the transferee servicer of

1 any known language preference of the borrower as-
2 sociated with such federally related mortgage loan.

3 “(5) STANDARD LANGUAGE PREFERENCE FORM
4 DEFINED.—The term ‘standard language preference
5 form’ means the standard language preference form
6 established by the Director of the Bureau under sec-
7 tion 129I of the Truth in Lending Act.

8 “(6) INFORMATION ON WEBSITE.—Each
9 servicer shall on the website of the servicer pub-
10 lish—

11 “(A) all documents translated by Federal
12 Housing Finance Agency and the Bureau of
13 Consumer Financial Protection under sub-
14 section (c);

15 “(B) links to the websites maintained by
16 the Secretary of Housing and Urban Develop-
17 ment and the Director of the Bureau of Con-
18 sumer Financial Protection that identify hous-
19 ing counselors approved by the Department of
20 Housing and Urban Development; and

21 “(C) a link to the language resources
22 website established by the Director of the Bu-
23 reau of Consumer Financial Protection, the
24 Secretary of Housing and Urban Development,
25 the Director of the Federal Housing Finance

1 Agency, the Secretary of Agriculture, and the
2 Secretary of Veterans Affairs under section 1(e)
3 of the Improving Language Access in Mortgage
4 Servicing Act of 2021.

5 “(7) RULEMAKING.—The Director of the Bu-
6 reau of Consumer Financial Protection may issue
7 such rules as the Director determines necessary to
8 implement this section.”.

9 (c) CLERICAL AMENDMENT.—The table of sections
10 in chapter 2 of the Truth in Lending Act (15 U.S.C. 1631
11 et seq) is amended by inserting after the item relating to
12 section 129H the following:

 “129I. Preferred language requirements.”.

13 (d) REPORT.—Not later than 1 year after the date
14 of the enactment of this section, and each year thereafter,
15 the Director of the Bureau of Consumer Financial Protec-
16 tion, the Secretary of Housing and Urban Development,
17 the Director of the Federal Housing Finance Agency, the
18 Secretary of Agriculture, and the Secretary of Veterans
19 Affairs shall submit a report to the Congress that con-
20 tains—

21 (1) regulatory recommendations to enhance
22 mortgage origination and servicing processes for per-
23 sons with a preferred language that is not English;

1 (2) a description of any legislative changes
2 needed to provide authority necessary to implement
3 the regulatory recommendations; and

4 (3) a description of any progress on the imple-
5 mentation of any legislative or regulatory rec-
6 ommendation made in a previous report.

7 (e) LANGUAGE RESOURCE WEBSITE.—

8 (1) IN GENERAL.—The Director of the Bureau
9 of Consumer Financial Protection, the Secretary of
10 Housing and Urban Development, the Director of
11 the Federal Housing Finance Agency, the Secretary
12 of Agriculture, and the Secretary of Veterans Affairs
13 shall jointly not later than 1 year after the date of
14 the enactment of this section establish and maintain
15 a website that provides language resources for credi-
16 tors and servicers.

17 (2) WEBSITE REQUIREMENTS.—The website de-
18 veloped pursuant to paragraph (1) shall include—

19 (A) the translations of documents pub-
20 lished pursuant to section 129I(c) of the Truth
21 in Lending Act;

22 (B) a glossary of terms relating to residen-
23 tial mortgage loans and federally related mort-
24 gage loans, provided in each commonly spoken
25 language;

1 (C) guidance for creditors and servicers
2 working with persons who have a preferred lan-
3 guage that is not English; and

4 (D) examples of notices that may be used
5 by creditors and servicers to inform persons of
6 available language services, provided in accord-
7 ance with section 6(n)(2) of the Real Estate
8 Settlement Procedures Act of 1974 and section
9 129I of the Truth in Lending Act.

10 (f) ADVISORY GROUP.—

11 (1) IN GENERAL.—The Director of the Bureau
12 of Consumer Financial Protection shall establish an
13 advisory group consisting of stakeholders, including
14 industry groups, consumer groups, civil rights
15 groups, and groups that have experience improving
16 language access in housing finance transactions, to
17 provide advice to the Director about—

18 (A) issues that arise relating to mortgage
19 origination and servicing processes for persons
20 with a preferred language that is not English;

21 (B) the development of the standard lan-
22 guage preference form by the Director under
23 section 129I(a) of the Truth in Lending Act;
24 and

1 (C) updates to the language resource
2 website established by the Director of the Bu-
3 reau of Consumer Financial Protection, the
4 Secretary of Housing and Urban Development,
5 the Director of the Federal Housing Finance
6 Agency, the Secretary of Agriculture, and the
7 Secretary of Veterans Affairs under subsection
8 (e).

9 (2) REQUIRED CONSULTING.—The Director of
10 the Bureau of Consumer Financial Protection shall
11 consult with the advisory group established pursuant
12 to paragraph (1) with respect to any issues that
13 arise relating to mortgage origination and servicing
14 processes for persons with a preferred language that
15 is not English.

16 (g) HOUSING COUNSELING AGENCY LANGUAGE RE-
17 SOURCES.—

18 (1) ENHANCED SEARCH CAPABILITIES.—

19 (A) HUD.—The Secretary of Housing and
20 Urban Development shall not later than 1 year
21 after the date of the enactment of this section
22 update the website maintained by the Secretary
23 that identifies housing counselors approved by
24 the Department of Housing and Urban Devel-
25 opment, to allow for searching for housing

1 counseling agencies based on the language serv-
2 ices they provide.

3 (B) BUREAU.—The Director of the Bureau
4 of Consumer Financial protection shall not later
5 than 1 year after the date of the enactment of
6 this section update the website maintained by
7 the Director that identifies housing counselors
8 approved by the Department of Housing and
9 Urban Development, to allow for searching for
10 housing counseling agencies based on the lan-
11 guage services they provide.

12 (2) AUTHORIZATION OF APPROPRIATIONS.—

13 There is authorized to be appropriated to the Sec-
14 retary of the Department of Housing and Urban De-
15 velopment, such sums as are necessary to support
16 language training for HUD-approved housing coun-
17 selors, counseling agencies, and their staff.

18 (h) DEFINITIONS.—In this section:

19 (1) The term “creditor” has the meaning given
20 the term in section 103 of the Truth in Lending Act
21 and shall include any assignee of a creditor.

22 (2) The term “director” means the Director of
23 the Bureau of Consumer Financial Protection.

1 (3) The term “servicer” has the meaning given
2 the term in section 6(i) of the Real Estate Settle-
3 ment Procedures Act of 1974.

4 (4) The term “residential mortgage loan” has
5 the meaning given the term in section 103 of the
6 Truth in Lending Act.

7 (5) The term “federally related mortgage loan”
8 has the meaning given the term in section 3 of the
9 Real Estate Settlement Procedures Act of 1974.

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