

112TH CONGRESS
1ST SESSION

S. 486

To amend the Servicemembers Civil Relief Act to enhance protections for members of the uniformed services relating to mortgages, mortgage foreclosure, and eviction, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2011

Mr. WHITEHOUSE (for himself, Mr. REED, Mr. MERKLEY, Mr. SANDERS, and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend the Servicemembers Civil Relief Act to enhance protections for members of the uniformed services relating to mortgages, mortgage foreclosure, and eviction, 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 as the “Protecting
5 Servicemembers from Mortgage Abuses Act of 2011”.

1 **SEC. 2. ENHANCED PROTECTIONS FOR MEMBERS OF UNI-**
2 **FORMED SERVICES RELATING TO MORT-**
3 **GAGES, MORTGAGE FORECLOSURE, AND**
4 **EVICTION.**

5 (a) EXTENDED PERIOD OF PROTECTIONS.—

6 (1) STAY OF PROCEEDINGS AND PERIOD OF AD-
7 JUSTMENT OF OBLIGATIONS RELATING TO REAL OR
8 PERSONAL PROPERTY.—Section 303(b) of the
9 Servicemembers Civil Relief Act (50 U.S.C. App.
10 533(b)) is amended by striking “within 9 months”
11 and inserting “within 24 months”.

12 (2) PERIOD OF RELIEF FROM SALE, FORE-
13 CLOSURE, OR SEIZURE.—Section 303(c) of such Act
14 (50 U.S.C. App. 533(c)) is amended by striking
15 “within 9 months” and inserting “within 24
16 months”.

17 (3) REPEAL OF SUNSET.—Subsection (c) of
18 section 2203 of the Housing and Economic Recovery
19 Act of 2008 (50 U.S.C. App. 533 note) is amended
20 to read as follows:

21 “(c) EFFECTIVE DATE.—The amendments made by
22 subsection (a) shall take effect on the date of the enact-
23 ment of this Act.”.

24 (b) INCREASED CRIMINAL PENALTIES.—

25 (1) FELONY FOR UNLAWFUL EVICTION OR DIS-
26 TRESS.—

1 (A) IN GENERAL.—Section 301(c) of such
2 Act (50 U.S.C. App. 531(c)) is amended by
3 striking “not more than one year” and insert-
4 ing “not more than two years”.

5 (B) CLERICAL AMENDMENT.—Such section
6 is further amended, in the heading, by striking
7 “MISDEMEANOR” and inserting “FELONY”.

8 (2) FELONY FOR UNLAWFUL SALE, FORE-
9 CLOSURE, OR SEIZURE.—

10 (A) IN GENERAL.—Section 303(d) of such
11 Act (50 U.S.C. App. 533(d)) is amended by
12 striking “not more than one year” and insert-
13 ing “not more than two years”.

14 (B) CLERICAL AMENDMENT.—Such section
15 is further amended, in the heading, by striking
16 “MISDEMEANOR” and inserting “FELONY”.

17 (3) REVIEW OF FEDERAL SENTENCING GUIDE-
18 LINES.—Pursuant to the authority under section
19 994 of title 28, United States Code, the United
20 States Sentencing Commission shall review the Fed-
21 eral Sentencing Guidelines and policy statements ap-
22 plicable to offenses under section 301(c) and 303(d)
23 of the Servicemembers Civil Relief Act (50 U.S.C.
24 App. 531(c) and 53(d)) to reflect the amendments
25 made by paragraphs (1) and (2) of this subsection.

1 (c) INCREASED CIVIL PENALTIES GENERALLY.—

2 Section 801(b)(3) of such Act (50 U.S.C. App. 597(b)(3))

3 is amended—

4 (1) in subparagraph (A), by striking “\$55,000”

5 and inserting “\$110,000”; and

6 (2) in subparagraph (B), by striking

7 “\$110,000” and inserting “\$220,000”.

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