

115TH CONGRESS  
1ST SESSION

# S. 1751

To modify the definitions of a mortgage originator, a high-cost mortgage,  
and a loan originator.

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IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2017

Mr. DONNELLY (for himself, Mr. TOOMEY, Mr. MANCHIN, Mr. COTTON, and  
Mr. PETERS) introduced the following bill; which was read twice and re-  
ferred to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

To modify the definitions of a mortgage originator, a high-  
cost mortgage, and a loan originator.

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 “Preserving Access to  
5 Manufactured Housing Act of 2017”.

6 **SEC. 2. MORTGAGE ORIGINATOR AND HIGH-COST MORT-**  
7 **GAGE DEFINITIONS.**

8 Section 103 of the Truth in Lending Act (15 U.S.C.  
9 1602) is amended—

1           (1) by redesignating subsection (aa) as sub-  
2           section (bb);

3           (2) by redesignating subsection (bb) as sub-  
4           section (aa), and moving such subsection to imme-  
5           diately follow subsection (z);

6           (3) in subsection (aa)(1)(A), as so redesign-  
7           nated—

8                   (A) in clause (i)(I), by striking “(8.5 per-  
9                   centage points, if the dwelling is personal prop-  
10                   erty and the transaction is for less than  
11                   \$50,000)” and inserting “(10 percentage points  
12                   if the dwelling is personal property or is a  
13                   transaction that does not include the purchase  
14                   of real property on which a dwelling is to be  
15                   placed and the transaction is for less than  
16                   \$75,000 (as such amount is adjusted by the  
17                   Bureau to reflect the change in the Consumer  
18                   Price Index))”; and

19                   (B) in clause (ii)—

20                           (i) in subclause (I), by striking “or”  
21                           at the end; and

22                           (ii) by adding at the end the fol-  
23                           lowing:

24                                   “(III) in the case of a trans-  
25                                   action for less than \$75,000 (as such

1 amount is adjusted by the Bureau to  
2 reflect the change in the Consumer  
3 Price Index) in which the dwelling is  
4 personal property (or is a consumer  
5 credit transaction that does not in-  
6 clude the purchase of real property on  
7 which a dwelling is to be placed), the  
8 greater of 5 percent of the total trans-  
9 action amount or \$3,000 (as such  
10 amount is adjusted by the Bureau to  
11 reflect the change in the Consumer  
12 Price Index); or”;

13 (4) by redesignating the second subsection (cc)  
14 (relating to definitions relating to mortgage origina-  
15 tion and residential mortgage loans) and subsection  
16 (dd) as subsections (dd) and (ee), respectively; and

17 (5) in paragraph (2)(C) of subsection (dd), as  
18 so redesignated, by striking “an employee of a re-  
19 tailer of manufactured homes who is not described  
20 in clause (i) or (iii) of subparagraph (A) and who  
21 does not advise a consumer on loan terms (including  
22 rates, fees, and other costs)” and inserting “a re-  
23 tailer of manufactured or modular homes or the em-  
24 ployees of the retailer unless the retailer or the em-  
25 ployees receive compensation or gain for engaging in

1 activities described in subparagraph (A) that is in  
2 excess of any compensation or gain received in a  
3 comparable cash transaction”.

4 **SEC. 3. LOAN ORIGINATOR DEFINITION.**

5 Section 1503(4)(A) of the Secure and Fair Enforce-  
6 ment for Mortgage Licensing Act of 2008 (12 U.S.C.  
7 5102(4)(A)) is amended—

8 (1) in clause (iii), by striking “and” at the end;

9 (2) in clause (iv), by striking the period at the  
10 end and inserting “; and”; and

11 (3) by adding at the end the following:

12 “(v) does not include a retailer of  
13 manufactured or modular homes or the  
14 employees of the retailer unless the retailer  
15 or employees receive compensation or gain  
16 for engaging in activities described in  
17 clause (i) that is in excess of any com-  
18 pensation or gain received in a comparable  
19 cash transaction.”.

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