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(Original Signature of Member)

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.

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## IN THE HOUSE OF REPRESENTATIVES

Ms. GARCIA of Texas introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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## 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 (e);

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-  
17reau 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 “(7) 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 “(9) 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 and

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

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.