AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2445
OFFERED BY MR. FOSTER OF ILLINOIS

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.
2 This Act may be cited as the “Self-Employed Mortgage Access Act of 2019”.

4 SEC. 2. ABILITY TO REPAY.
5 (a) DEFINITIONS.—In this section—
6 (1) the term “Appendix Q” means Appendix Q to part 1026 of title 12, Code of Federal Regulations;
7 (2) the term “Bureau” means the Bureau of Consumer Financial Protection;
8 (3) the terms “consumer” and “creditor” have the meanings given those terms in section 1026.2 of title 12, Code of Federal Regulations;
9 (4) the term “enterprise” has the meaning given the term in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502); and
(5) the term “Federal Home Loan Bank” has the meaning given the term in section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422).

(b) Determination of Creditor Requirements.—Not later than 1 year after the date of enactment of this Act, the Bureau shall amend section 1026.43 of title 12, Code of Federal Regulations, to provide that, with respect to any creditor requirements under paragraph (v) and (vi) of paragraph (e)(2) of such section, the creditor may, in satisfying those requirements, rely on—

(1) the standards under Appendix Q; or

(2) a guide or handbook that—

(A) provides standards with respect to determining income and debt; and

(B) is maintained by—

(i) an enterprise or a Federal Home Loan Bank, subject to the approval of the Federal Housing Finance Agency;

(ii) the Department of Housing and Urban Development with respect to carrying out a program under title II of the National Housing Act (12 U.S.C. 1707 et seq.);

(iii) the Department of Veterans Affairs;
(iv) the Department of Agriculture with respect to carrying out the Doug Bereuter Section 502 Single Family Housing Loan Guarantee Act (42 U.S.C. 1472(h)); or

(v) the Rural Housing Service.

(c) CLARIFICATION ON THE APPLICATION OF GUIDES AND HANDBOOKS.—

(1) IN GENERAL; CONSULTATION.—In issuing clarifications on the application of a particular guide or handbook described under subsection (b)(2) to the creditor requirements established by the Bureau pursuant to section 129C(b)(2)(A)(vi) of the Truth in Lending Act, the Bureau shall consult with the entity listed under subsection (b)(2)(B) that issues the particular guide or handbook.

(2) APPLICATION NOT LIMITED.—Nothing in paragraph (1) shall be construed to prevent a creditor’s use of a particular guide or handbook described under subsection (b)(2) for the purposes of validating a consumer’s debt or income.