

Union Calendar No. 153

112TH CONGRESS
1ST SESSION

H. R. 1263

[Report No. 112-234]

To amend the Servicemembers Civil Relief Act to provide surviving spouses with certain protections relating to mortgages and mortgage foreclosures.

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2011

Mr. FILNER introduced the following bill; which was referred to the
Committee on Veterans' Affairs

OCTOBER 5, 2011

Reported with amendments, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Servicemembers Civil Relief Act to provide surviving spouses with certain protections relating to mortgages and mortgage foreclosures.

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. EXPANSION OF PROTECTIONS RELATING TO**
 4 **MORTGAGES AND MORTGAGE FORE-**
 5 **CLOSURES FOR SURVIVING SPOUSES.**

6 (a) **PROTECTION FOR SURVIVING SPOUSE.**—Section
 7 ~~303~~ of the Servicemembers Civil Relief Act (50 U.S.C.
 8 App. ~~533~~) is amended by adding at the end the following
 9 new subsection:

10 “(e) **PROTECTION FOR SURVIVING SPOUSE.**—With
 11 respect to a servicemember who dies while in military serv-
 12 ice and whose death is service-connected, this section shall
 13 apply to the surviving spouse of the servicemember if such
 14 spouse is the successor in interest to property covered
 15 under subsection (a).”.

16 (b) **EFFECTIVE DATE.**—Subsection (e) of section ~~303~~
 17 of such Act, as added by subsection (a), shall apply to
 18 a surviving spouse of a servicemember whose death is on
 19 or after the date of the enactment of this Act.

20 **SECTION 1. EXPANSION OF PROTECTIONS RELATING TO**
 21 **MORTGAGES AND MORTGAGE FORE-**
 22 **CLOSURES FOR SURVIVING SPOUSES.**

23 (a) **PROTECTION FOR SURVIVING SPOUSE.**—Section
 24 *303 of the Servicemembers Civil Relief Act (50 U.S.C. App.*

1 533) is amended by adding at the end the following new
2 subsection:

3 “(e) *PROTECTION FOR SURVIVING SPOUSE.*—During
4 the five-year period beginning on the date of the enactment
5 of this subsection, with respect to a servicemember who dies
6 while in military service and whose death is service-con-
7 nected, this section shall apply to the surviving spouse of
8 the servicemember if such spouse is the successor in interest
9 to property covered under subsection (a).”.

10 (b) *EFFECTIVE DATE.*—Subsection (e) of section 303
11 of such Act, as added by subsection (a), shall apply to a
12 surviving spouse of a servicemember whose death is on or
13 after the date of the enactment of this Act.

14 **SEC. 2. REQUIREMENTS FOR LENDING INSTITUTIONS THAT**
15 **ARE CREDITORS FOR OBLIGATIONS AND LI-**
16 **ABILITIES COVERED BY THE**
17 **SERVICEMEMBERS CIVIL RELIEF ACT.**

18 Section 207 of the Servicemembers Civil Relief Act is
19 amended—

20 (1) by redesignating subsections (d) and (e) as
21 subsections (e) and (f), respectively; and

22 (2) by inserting after subsection (c) the following
23 new subsection (d):

24 “(d) *LENDING INSTITUTION REQUIREMENTS.*—

1 “(1) *COMPLIANCE OFFICERS.*—Each lending in-
2 stitution subject to the requirements of this section
3 shall designate an employee of the institution as a
4 compliance officer who is responsible for ensuring the
5 institution’s compliance with this section and for dis-
6 tributing information to servicemembers whose obliga-
7 tions and liabilities are covered by this section.

8 “(2) *TOLL-FREE TELEPHONE NUMBER.*—During
9 any fiscal year, a lending institution subject to the re-
10 quirements of this section that had annual assets for
11 the preceding fiscal year of \$10,000,000,000 or more
12 shall maintain a toll-free telephone number and shall
13 make such telephone number available on the primary
14 Internet Web site of the institution.”.

15 **SEC. 3. EXTENSION OF PERIOD OF PROTECTIONS FOR**
16 **SERVICEMEMBERS AGAINST MORTGAGE**
17 **FORECLOSURES.**

18 (a) *EXTENDED PERIOD OF PROTECTIONS.*—

19 (1) *STAY OF PROCEEDINGS AND PERIOD OF AD-*
20 *JUSTMENT OF OBLIGATIONS RELATING TO REAL OR*
21 *PERSONAL PROPERTY.*—Section 303(b) of the
22 *Servicemembers Civil Relief Act (50 U.S.C. App.*
23 *533(b)) is amended by striking “within 9 months”*
24 *and inserting “within 12 months”.*

1 (2) *PERIOD OF RELIEF FROM SALE, FORE-*
2 *CLOSURE, OR SEIZURE.*—*Section 303(c) of such Act*
3 *(50 U.S.C. App. 533(c)) is amended by striking*
4 *“within 9 months” and inserting “within 12*
5 *months”.*

6 (3) *SUNSET.*—*The amendments made by para-*
7 *graphs (1) and (2) shall expire on December 31, 2017.*
8 *Effective January 1, 2018, the provisions of sub-*
9 *sections (b) and (c) of section 303 of the*
10 *Servicemembers Civil Relief Act, as in effect on the*
11 *day before the date of the enactment of the Housing*
12 *and Economic Recovery Act of 2008 (Public Law*
13 *110–289), are hereby revived.*

14 (b) *REPEAL OF SUPERCEDED PROVISION.*—*Subsection*
15 *(c) of section 2203 of the Housing and Economic Recovery*
16 *Act of 2008 (Public Law 110–289; 50 U.S.C. App. 533 note)*
17 *is amended to read as follows:*

18 “*(c) EFFECTIVE DATE.*—*The amendments made by*
19 *subsection (a) shall take effect on the date of the enactment*
20 *of this Act.”.*

Amend the title so as to read: “A bill to amend the Servicemembers Civil Relief Act to provide surviving spouses with certain protections relating to mortgages and mortgage foreclosures, and for other purposes.”.

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