

HOUSE BILL No. 5297

October 11, 2007, Introduced by Reps. Angerer, Tobocman, Sak, Simpson, Clack, Johnson, Jackson, Miller, Accavitti, Byrnes, Melton, Young, Kathleen Law, Hopgood, Brown, Valentine, Hammel, Robert Jones, Vagnozzi, Leland, Donigan, Dean and Bieda and referred to the Committee on Banking and Financial Services.

A bill to amend 2002 PA 660, entitled
"Consumer mortgage protection act,"
by amending sections 6 and 7 (MCL 445.1636 and 445.1637).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. At the time a person applies for a ~~mortgage~~**HOME** loan,
2 the ~~lender~~**CREDITOR** shall provide the applicant the following
3 document:

"BORROWERS BILL OF RIGHTS

5 1. You have the RIGHT to shop for the best loan for you and
6 compare the charges of different mortgage brokers and lenders.

7 2. You have the RIGHT to be informed about the total cost of
8 your loan including the interest rate, points, and other fees.

9 3. You have the RIGHT to obtain a "Good Faith Estimate" of all

1 loan and settlement charges before you agree to the loan or pay any
2 fees.

3 4. You have the RIGHT to know what fees are nonrefundable if
4 you decide to withdraw your loan application.

5 5. You have the RIGHT to ask your mortgage broker to explain
6 exactly what the mortgage broker will do for you.

7 6. You have the RIGHT to know how much the mortgage broker is
8 getting paid by you and the lender for your loan.

9 7. You have the RIGHT to ask questions about charges and loan
10 terms that you do not understand.

11 8. You have the RIGHT to a credit decision that is not based
12 on your race, color, religion, national origin, sex, marital
13 status, age, or whether any income is derived from public
14 assistance.

15 9. You have the RIGHT to know the reason if your loan
16 application is turned down.".

17 ~~10. You have the RIGHT to receive the HUD settlement costs~~
18 ~~booklet "Buying Your Home"."~~

19 Sec. 7. At the time a person applies for a ~~mortgage~~**HOME** loan,
20 the ~~lender~~**CREDITOR** shall provide the applicant the following
21 written notice regarding the value of receiving credit counseling
22 before taking out a ~~mortgage~~**HOME** loan and a list of the nearest
23 available HUD-approved credit counseling agencies:

24 "CONSUMER CAUTION AND HOME OWNERSHIP COUNSELING NOTICE

25 If you obtain this loan, the lender will have a mortgage on
26 your home. You could lose your home, and all money you have
27 invested in it, if you do not meet your obligations under the loan,

1 including making all your payments.

2 Mortgage loans rates and closing costs and fees vary based on
3 many factors, including your particular credit and financial
4 circumstances, your earnings history, the loan-to-value requested,
5 and the type of property that will secure your loan. Higher rates
6 and fees may be applicable depending on the individual
7 circumstances of a particular consumer's application.

8 You should shop around and compare loan rates and fees. This
9 particular loan may have a higher rate and total points and fees
10 than other mortgage loans. You should consider consulting a
11 qualified independent credit counselor or other experienced
12 financial adviser regarding the rate, fees, and provisions of this
13 mortgage loan before you proceed. For information on contacting a
14 qualified credit counselor, ask your lender ~~or call the United~~
15 ~~States Department of Housing and Urban Development's counseling~~
16 ~~hotline at 1-888-466-3487~~ for a list of counselors.

17 You are not required to complete any loan agreement merely
18 because you have received these disclosures or have signed a loan
19 application. If you proceed with this mortgage loan, you should
20 also remember that you may face serious financial risks if you use
21 this loan to pay off credit card debts and other debts in
22 connection with this transaction and then subsequently incur
23 significant new credit card charges or other debts.

24 Property taxes and homeowner's insurance are your
25 responsibility. Not all lenders provide escrow services for these
26 payments. You should ask your lender about these services.

27 Your payments on existing debts contribute to your credit

1 ratings. You should not accept any advice to ignore your regular
2 payments to your existing creditors."

3 Enacting section 1. This amendatory act does not take effect
4 unless all of the following bills of the 94th Legislature are
5 enacted into law:

6 (a) Senate Bill No.____ or House Bill No. 5294(request no.
7 02456'07 *).

8 (b) Senate Bill No.____ or House Bill No. 5295(request no.
9 04909'07 *).

10 (c) Senate Bill No.____ or House Bill No. 5296(request no.
11 04910'07 *).

12 (d) Senate Bill No.____ or House Bill No. 5298(request no.
13 04912'07 *).

14 (e) Senate Bill No.____ or House Bill No. 5299(request no.
15 04913'07 *).

16 (f) Senate Bill No.____ or House Bill No. 5300(request no.
17 05435'07).

18 (g) Senate Bill No.____ or House Bill No. 5301(request no.
19 05436'07).

20 (h) Senate Bill No.____ or House Bill No. 5302(request no.
21 05437'07).

22 (i) Senate Bill No.____ or House Bill No. 5303(request no.
23 05438'07).