

Amend **SB 472** (house committee printing) as follows:

(1) In Section 5 of the bill (page 7, line 9), strike "The changes in law made by this Act" and substitute "Sections 24.005 and 51.002, Property Code, as amended by this Act, and Section 51.0022, Property Code, as added by this Act,".

(2) Add the following appropriately numbered SECTIONS to the bill and renumber existing SECTIONS of the bill accordingly:

SECTION \_\_\_\_ Subchapter D, Chapter 2306, Government Code, is amended by adding Section 2306.084 to read as follows:

Sec. 2306.084. MORTGAGE DEFAULT AND FORECLOSURE DATA COLLECTION AND REPORT. (a) The board shall prescribe the form and content of the form to be filed with the department under Section 51.0023, Property Code, and procedures for a person to submit the sworn form to the department electronically.

(b) The form prescribed for submission by a mortgage servicer under Section 51.0023(a), Property Code, must request information about the property, the debtor, and other facts surrounding the foreclosure, including:

(1) the type of lien being foreclosed, as listed in Section 50, Article XVI, Texas Constitution;

(2) the initial interest rate of the loan;

(3) the origination and maturity dates of the loan;

(4) the initial amount of the debt;

(5) whether the loan allows negative amortization or allows the payment of interest only;

(6) whether the interest rate could change and, if so, the minimum and maximum rates, the index used, the amount of the margin, how often the rate could adjust, how much the rate could adjust, and the current interest rate being charged;

(7) whether the loan allows for a scheduled payment that is more than twice as large as the average of earlier scheduled monthly payments;

(8) whether the loan has a prepayment penalty or a universal default provision in which it allows for a change in the interest rate when there is a default by the debtor on any obligation to the lender or any other lender or there is a decrease in the debtor's credit score;

(9) the type of default;  
(10) demographics of the debtor;  
(11) whether the property was the debtor's residence;  
(12) the zip code of the property subject to sale; and  
(13) any other information the department finds  
appropriate to request from the mortgage servicer.

(c) The department shall make the data submitted under  
Section 51.0023, Property Code, available to the public on the  
department's Internet website.

(d) Not later than January 1 of each year, the department  
shall submit a report to the governor, lieutenant governor, speaker  
of the house of representatives, and attorney general regarding the  
data collected under Section 51.0023, Property Code. The  
department shall make the report required under this subsection  
available to the public on the department's Internet website.

SECTION \_\_\_\_\_. Chapter 51, Property Code, is amended by  
adding Section 51.0023 to read as follows:

Sec. 51.0023. DATA COLLECTION REGARDING RESIDENTIAL  
PROPERTY OCCUPIED BY TENANT. (a) A mortgage servicer who files a  
notice of sale under Section 51.002(b) regarding residential real  
property known by the mortgage servicer to be occupied by a tenant  
must submit to the Texas Department of Housing and Community  
Affairs a completed and sworn form prescribed by the board of the  
department under Section 2306.084(b), Government Code. The form  
must be submitted electronically in the manner prescribed by the  
board.

(b) If information requested by the form is unknown by the  
mortgage servicer, the mortgage servicer must provide the  
information that is known and submit an affidavit to the Texas  
Department of Housing and Community Affairs based on personal  
knowledge that the mortgage servicer made a diligent inquiry and  
has been unable to locate the information requested.

SECTION \_\_\_\_\_. (a) Not later than November 1, 2009, the  
board of the Texas Department of Housing and Community Affairs  
shall prescribe the forms and procedures required by Section  
2306.084, Government Code, as added by this Act.

(b) Section 51.0023, Property Code, as added by this Act,

applies only to a sale of residential real property in which notice of sale under Section 51.002, Property Code, is provided on or after December 1, 2009. A sale in which notice of sale is provided before December 1, 2009, is subject to the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.