

By: Giddings, Keough

H.B. No. 831

A BILL TO BE ENTITLED

AN ACT

relating to disclosure of home mortgage information to a surviving spouse.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 343, Finance Code, is amended by adding Section 343.103 to read as follows:

Sec. 343.103. DISCLOSURE OF MORTGAGE INFORMATION TO SURVIVING SPOUSE. (a) In this section:

(1) "Estate" has the meaning assigned by Section 22.012, Estates Code.

(2) "Heir" has the meaning assigned by Section 22.015, Estates Code.

(3) "Mortgage servicer" and "mortgagor" have the meanings assigned by Section 51.0001, Property Code.

(b) Not later than the 30th day after a mortgage servicer of a home loan receives a request for the information from the surviving spouse of a mortgagor of the home loan, accompanied by the proof required under Subsection (c), the mortgage servicer shall provide the surviving spouse with information that the mortgagor would have received in a standard monthly statement, including:

(1) the current balance information, including the due dates and the amount of any installments;

(2) whether the loan is current and any amounts that are delinquent;

1           (3) any loan number; and

2           (4) the amount of any escrow deposit for taxes and  
3 insurance purposes.

4           (c) A surviving spouse must prove the person's status by  
5 providing:

6           (1) a death certificate of the mortgagor;

7           (2) an affidavit of disinterested witnesses that is in  
8 the form referenced in Section 203.002, Estates Code, including  
9 language stating that the surviving spouse was married to the  
10 mortgagor at the time of the mortgagor's death; and

11           (3) an affidavit signed by the surviving spouse  
12 stating that the surviving spouse is currently residing in the  
13 underlying mortgaged property as the primary residence.

14           (d) The request from the surviving spouse must also include  
15 a notice to the mortgage servicer that states in bold-faced,  
16 capital, or underlined letters: "THIS REQUEST IS MADE PURSUANT TO  
17 TEXAS FINANCE CODE SECTION 343.103. SUBSEQUENT DISCLOSURE OF  
18 INFORMATION IS NOT IN CONFLICT WITH THE GRAMM-LEACH-BLILEY ACT  
19 UNDER 15 U.S.C. SECTION 6802(e)(8)."

20           (e) A mortgage servicer that provides the information as  
21 required under this section is not liable to the estate of the  
22 mortgagor or any heir or beneficiary of the mortgagor as a result of  
23 providing this information to the surviving spouse.

24           SECTION 2. This Act takes effect September 1, 2015.