

By: Noble

H.B. No. 3278

A BILL TO BE ENTITLED

AN ACT

relating to the release of a deed of trust or other contract lien securing a home loan after payoff by mortgagor.

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

SECTION 1. Subchapter B, Chapter 343, Finance Code, is amended by adding Section 343.108 to read as follows:

Sec. 343.108. RELEASE OF LIEN AFTER PAYOFF BY MORTGAGOR.

(a) In this section:

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

(2) "Release of lien" means a release of a deed of trust or other lien securing a home loan.

(b) Except as provided by Subsection (c), not later than the 60th day after the date a mortgage servicer or mortgagee, as applicable, receives the correct payoff amount for a home loan from a mortgagor, the mortgage servicer or mortgagee shall:

(1) deliver to the mortgagor a release of lien for the home loan; or

(2) file the release of lien with the appropriate county clerk's office for recording in the real property records of the county.

(c) If, on or before the date of the payoff of the home loan, the mortgagor delivers a written request to the mortgagee or mortgage servicer for the release of lien to be delivered to the

1 mortgagor or filed with the county clerk, the mortgagee or mortgage
2 servicer shall deliver or file the release of lien not later than
3 the 30th day after the date the mortgagee or mortgage servicer
4 received the correct payoff amount for the home loan.

5 SECTION 2. To the extent of a conflict between Section
6 343.108, Finance Code, as added by this Act, and a provision of a
7 home loan agreement entered into before the effective date of this
8 Act, the provision of the home loan agreement prevails.

9 SECTION 3. This Act takes effect September 1, 2021.