

1-1 By: Giddings, Keough (Senate Sponsor - West) H.B. No. 831
 1-2 (In the Senate - Received from the House May 6, 2015;
 1-3 May 11, 2015, read first time and referred to Committee on Business
 1-4 and Commerce; May 15, 2015, reported favorably by the following
 1-5 vote: Yeas 8, Nays 0; May 15, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8			X	
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to disclosure of home mortgage information to a surviving
 1-20 spouse.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter B, Chapter 343, Finance Code, is
 1-23 amended by adding Section 343.103 to read as follows:

1-24 Sec. 343.103. DISCLOSURE OF MORTGAGE INFORMATION TO
 1-25 SURVIVING SPOUSE. (a) In this section:

1-26 (1) "Estate" has the meaning assigned by Section
 1-27 22.012, Estates Code.

1-28 (2) "Heir" has the meaning assigned by Section 22.015,
 1-29 Estates Code.

1-30 (3) "Mortgage servicer" and "mortgagor" have the
 1-31 meanings assigned by Section 51.0001, Property Code.

1-32 (b) Not later than the 30th day after a mortgage servicer of
 1-33 a home loan receives a request for the information from the
 1-34 surviving spouse of a mortgagor of the home loan, accompanied by the
 1-35 proof required under Subsection (c), the mortgage servicer shall
 1-36 provide the surviving spouse with information that the mortgagor
 1-37 would have received in a standard monthly statement, including:

1-38 (1) the current balance information, including the due
 1-39 dates and the amount of any installments;

1-40 (2) whether the loan is current and any amounts that
 1-41 are delinquent;

1-42 (3) any loan number; and

1-43 (4) the amount of any escrow deposit for taxes and
 1-44 insurance purposes.

1-45 (c) A surviving spouse must prove the person's status by
 1-46 providing:

1-47 (1) a death certificate of the mortgagor;

1-48 (2) an affidavit of disinterested witnesses that is in
 1-49 the form referenced in Section 203.002, Estates Code, including
 1-50 language stating that the surviving spouse was married to the
 1-51 mortgagor at the time of the mortgagor's death; and

1-52 (3) an affidavit signed by the surviving spouse
 1-53 stating that the surviving spouse is currently residing in the
 1-54 underlying mortgaged property as the primary residence.

1-55 (d) The request from the surviving spouse must also include
 1-56 a notice to the mortgage servicer that states in bold-faced,
 1-57 capital, or underlined letters: "THIS REQUEST IS MADE PURSUANT TO
 1-58 TEXAS FINANCE CODE SECTION 343.103. SUBSEQUENT DISCLOSURE OF
 1-59 INFORMATION IS NOT IN CONFLICT WITH THE GRAMM-LEACH-BLILEY ACT
 1-60 UNDER 15 U.S.C. SECTION 6802(e)(8)."

1-61 (e) A mortgage servicer that provides the information as

2-1 required under this section is not liable to the estate of the
2-2 mortgagor or any heir or beneficiary of the mortgagor as a result of
2-3 providing this information to the surviving spouse.

2-4 SECTION 2. This Act takes effect September 1, 2015.

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