

Assembly Bill No. 69

CHAPTER 277

An act to add Sections 22159.5 and 50307.1 to the Financial Code, relating to mortgage lending.

[Approved by Governor September 25, 2008. Filed with Secretary of State September 25, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AB 69, Lieu. Mortgage lending: reporting.

Existing law provides for the licensure and regulation of finance lenders and brokers and residential mortgage lenders and residential mortgage loan servicers by the Commissioner of Corporations.

This bill would authorize the commissioner to require these licensees to provide reports concerning residential mortgage loan servicing activities. The bill would authorize the commissioner to seek and receive information from residential mortgage loan servicers not subject to the commissioner's jurisdiction. The bill would require the commissioner to post aggregated survey results on the Department of Corporation's Internet Web site, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 22159.5 is added to the Financial Code, to read:

22159.5. (a) The commissioner may, as he or she deems necessary, require licensees to provide reports concerning their residential mortgage loan servicing activities, including, but not limited to, information similar to that collected in connection with the Mortgage Servicers Survey, first published by the Department of Corporations in December 2007. The commissioner is additionally authorized to seek and accept information provided on a voluntary basis by residential mortgage loan servicers not subject to the commissioner's jurisdiction. The commissioner shall post only aggregated survey results on the department's Internet Web site, and shall note the number of loan servicers submitting data included in the aggregated totals and the estimated percentage of outstanding mortgage loans to Californians that are serviced by these loan servicers, to the extent information on the number of outstanding loans is available from a reliable source. Nothing in this section is intended to reduce or change the commissioner's authority to request and demand reports under Sections 22150 and 22159.

(b) For purposes of this section, "mortgage loan servicing activity" means receiving more than three installment payments of principal, interest, or

other amounts placed in escrow, pursuant to the terms of a mortgage loan, and performing services relating to that receipt or the enforcement of its receipt, on behalf of the holder of the note evidencing that loan.

SEC. 2. Section 50307.1 is added to the Financial Code, to read:

50307.1. The commissioner may, as he or she deems necessary, require licensees to provide reports concerning their residential mortgage loan servicing activities, including, but not limited to, information similar to that collected in connection with the Mortgage Servicers Survey, first published by the Department of Corporations in December 2007. The commissioner is additionally authorized to seek and accept information provided on a voluntary basis by residential mortgage loan servicers not subject to the commissioner's jurisdiction. The commissioner shall post only aggregated survey results on the department's Internet Web site, and shall note the number of loan servicers submitting data included in the aggregated totals and the estimated percentage of outstanding mortgage loans to Californians that are serviced by these loan servicers, to the extent information on the number of outstanding loans is available from a reliable source. Nothing in this section is intended to reduce or change the commissioner's authority to request and demand reports under Section 50307.