

## S 117

A bill to protect the property and security of homeowners who are subject to foreclosure proceedings, and for other purposes.

**Congress:** 111 (2009–2011, Ended)

**Chamber:** Senate

**Policy Area:** Housing and Community Development

**Introduced:** Jan 6, 2009

**Current Status:** Read twice and referred to the Committee on Banking, Housing, and Urban Affairs. (text of measure as

**Latest Action:** Read twice and referred to the Committee on Banking, Housing, and Urban Affairs. (text of measure as introduced: CR S89-92) (Jan 6, 2009)

**Official Text:** <https://www.congress.gov/bill/111th-congress/senate-bill/117>

### Sponsor

**Name:** Sen. Kohl, Herb [D-WI]

**Party:** Democratic • **State:** WI • **Chamber:** Senate

### Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Boxer, Barbara [D-CA]	D · CA		Jan 6, 2009
Sen. Collins, Susan M. [R-ME]	R · ME		Jan 6, 2009
Sen. Lincoln, Blanche L. [D-AR]	D · AR		Jan 6, 2009
Sen. Mikulski, Barbara A. [D-MD]	D · MD		Jan 6, 2009
Sen. Feinstein, Dianne [D-CA]	D · CA		Feb 3, 2009

### Committee Activity

Committee	Chamber	Activity	Date
Banking, Housing, and Urban Affairs Committee	Senate	Referred To	Jan 6, 2009

### Subjects & Policy Tags

#### Policy Area:

Housing and Community Development

### Related Bills

Bill	Relationship	Last Action
111 HR 1231	Related bill	Mar 2, 2009: Referred to the Subcommittee on Commerce, Trade and Consumer Protection.

Foreclosure Rescue Fraud Act of 2009 - Prohibits a foreclosure consultant from: (1) receiving compensation from a homeowner for services performed regarding residential real property until such consultant has fully performed each service contracted for; (2) holding power of attorney from any homeowner, except to inspect documents; (3) receiving consideration from a third party in connection with services rendered to a homeowner regarding the foreclosure, unless such consideration is fully, clearly, and conspicuously disclosed before such services are rendered; (4) accepting any security to secure compensation for services rendered regarding foreclosure of the residential real property; or (5) acquiring any interest in the residence of a homeowner with whom the consultant has contracted.

Sets forth contract requirements. Permits a homeowner to cancel such contract without penalty or obligation.

Declares void and unenforceable: (1) any waiver by a homeowner of the protections provided in this Act; and (2) any contract that does not comply with this Act.

Requires a loan servicer to notify a homeowner of the dangers of fraudulent activities associated with foreclosure if the servicer finds that the homeowner has failed to make two consecutive payments on a residential mortgage loan at risk of foreclosure.

Subjects a foreclosure consultant who fails to comply with this Act to liability for actual and punitive damages and for attorneys' fees.

Empowers the Federal Trade Commission (FTC) and the states to enforce this Act.

## **Actions Timeline**

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- **Jan 6, 2009:** Introduced in Senate
- **Jan 6, 2009:** Sponsor introductory remarks on measure. (CR S89)
- **Jan 6, 2009:** Read twice and referred to the Committee on Banking, Housing, and Urban Affairs. (text of measure as introduced: CR S89-92)