

HR 200

Helping Families Save Their Homes in Bankruptcy Act of 2009

Congress: 111 (2009–2011, Ended)

Chamber: House

Policy Area: Finance and Financial Sector

Introduced: Jan 6, 2009

Current Status: Placed on the Union Calendar, Calendar No. 7.

Latest Action: Placed on the Union Calendar, Calendar No. 7. (Feb 24, 2009)

Official Text: <https://www.congress.gov/bill/111th-congress/house-bill/200>

Sponsor

Name: Rep. Conyers, John, Jr. [D-MI-14]

Party: Democratic • **State:** MI • **Chamber:** House

Cosponsors (17 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Delahunt, Bill [D-MA-10]	D · MA		Jan 6, 2009
Rep. Nadler, Jerrold [D-NY-8]	D · NY		Jan 6, 2009
Rep. Sánchez, Linda T. [D-CA-39]	D · CA		Jan 6, 2009
Rep. Scott, Robert C. "Bobby" [D-VA-3]	D · VA		Jan 6, 2009
Rep. Waters, Maxine [D-CA-35]	D · CA		Jan 6, 2009
Rep. Cohen, Steve [D-TN-9]	D · TN		Jan 8, 2009
Rep. Edwards, Donna F. [D-MD-4]	D · MD		Jan 8, 2009
Rep. Gutierrez, Luis V. [D-IL-4]	D · IL		Jan 8, 2009
Rep. Grijalva, Raúl M. [D-AZ-7]	D · AZ		Jan 14, 2009
Rep. Johnson, Henry C. "Hank," Jr. [D-GA-4]	D · GA		Jan 14, 2009
Rep. Berman, Howard L. [D-CA-28]	D · CA		Jan 26, 2009
Rep. Jackson-Lee, Sheila [D-TX-18]	D · TX		Jan 26, 2009
Rep. Kennedy, Patrick J. [D-RI-1]	D · RI		Jan 26, 2009
Rep. Watt, Melvin L. [D-NC-12]	D · NC		Jan 26, 2009
Rep. Wu, David [D-OR-1]	D · OR		Jan 26, 2009
Rep. Kucinich, Dennis J. [D-OH-10]	D · OH		Jan 27, 2009
Rep. Lewis, John [D-GA-5]	D · GA		Feb 4, 2009

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Reported By	Feb 24, 2009

Subjects & Policy Tags

Policy Area:

Finance and Financial Sector

Related Bills

Bill	Relationship	Last Action
111 HR 225	Related bill	Jan 22, 2009: Committee Hearings Held.
111 S 61	Identical bill	Jan 6, 2009: Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S66)

Helping Families Save their Homes in Bankruptcy Act of 2009 - (Sec. 1) Amends federal bankruptcy law governing a Chapter 13 debtor (adjustment of debts of an individual with regular income). Excludes from computation of debts the secured or unsecured portions of: (1) debts secured by the debtor's principal residence if the current value of that residence is less than the secured debt limit; or (2) debts secured or formerly secured by a debtor's principal residence that was either sold in foreclosure or surrendered to the creditor if the current value of such real property is less than the secured debt limit.

(Sec. 2) Declares the credit counseling requirement inapplicable to a Chapter 13 debtor who certifies that he or she has received notice that the holder of a claim secured by the debtor's principal residence may commence a foreclosure on the debtor's principal residence.

(Sec. 3) Requires the court to disallow a claim for a loan secured by a security interest in the debtor's principal residence that is subject to remedy for damages or rescission due to violations of the Truth in Lending Act, notwithstanding prior entry of a foreclosure judgment. Prohibits construction of such disallowance to modify, impair, or supersede any other right of the debtor.

(Sec. 4) Allows modification of claim holders' rights in connection with a foreclosure notice for a chapter 13 debtor whose loan originated before the effective date of this Act. Allows changing an adjustable rate of interest to a fixed rate, and extending the repayment period.

Prescribes conditions for reducing a claim under this Act if the debtor receives net proceeds from the sale of the principal residence before receiving a discharge in bankruptcy.

Establishes requirements for modification of other kinds of claims for a loan secured by a security interest in the debtor's principal residence.

(Sec. 5) Denies debtor liability for certain fees and charges incurred while the bankruptcy case is pending and arising from a debt secured by the debtor's principal residence, unless the claim holder observes specified requirements.

(Sec. 6) Adds to conditions for court confirmation of a plan in bankruptcy that: (1) the holder of a claim for a loan secured by the debtor's principal residence retain the lien securing the claim until the later of the payment of such claim as reduced and modified or the discharge of a debtor from all debts; and (2) the plan modifies the claim in good faith and the court finds that the debtor did not obtain the modified claim by the debtor's material misrepresentation, false pretenses, or actual fraud.

(Sec. 7) Excludes from final discharge of a debtor from all debts: (1) any payments to claim holders whose rights are modified under this Act; and (2) any unpaid portion of a claim as reduced.

(Sec. 8) Prohibits the construction of this Act to modify any obligation of the Federal Housing Administration (FHA), the Veterans Administration (VA), or the Department of Agriculture under a contract that guarantees or insures payment of a loan secured by a security interest in a principal residence.

Actions Timeline

- **Feb 24, 2009:** Reported (Amended) by the Committee on Judiciary. H. Rept. 111-19.
- **Feb 24, 2009:** Placed on the Union Calendar, Calendar No. 7.
- **Jan 27, 2009:** Committee Consideration and Mark-up Session Held.
- **Jan 27, 2009:** Ordered to be Reported (Amended) by the Yeas and Nays: 21 - 15.
- **Jan 22, 2009:** Committee Hearings Held.
- **Jan 6, 2009:** Introduced in House
- **Jan 6, 2009:** Referred to the House Committee on the Judiciary.