

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4905

To amend the Real Estate Settlement Procedures Act of 1974 to authorize a homeowner to recover treble damages from the homeowner's mortgage escrow servicer for failure by the servicer to make timely payments from the escrow account for homeowners insurance, taxes, or other charges.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2000

Mr. ANDREWS introduced the following bill; which was referred to the  
Committee on Banking and Financial Services

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## A BILL

To amend the Real Estate Settlement Procedures Act of 1974 to authorize a homeowner to recover treble damages from the homeowner's mortgage escrow servicer for failure by the servicer to make timely payments from the escrow account for homeowners insurance, taxes, or other charges.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Homeowners’ Escrow  
5       Payments Assurance Act”.

1 **SEC. 2. TREBLE DAMAGES FOR FAILURE TO MAKE PAY-**  
2 **MENTS FROM ESCROW ACCOUNT.**

3 Section 6(f) of the Real Estate Settlement Proce-  
4 dures Act of 1974 (12 U.S.C. 2605(f)) is amended—

5 (1) in paragraph (1), by striking subparagraph  
6 (A) and inserting the following new subparagraph:

7 “(A)(i) except as provided in clause (ii),  
8 any actual damages to the borrower as a result  
9 of the failure; or

10 “(ii) in the case of an action for a failure  
11 to comply with the requirements of subsection  
12 (g), 3 times any such actual damages; and”;  
13 and

14 (2) in paragraph (2), by striking subparagraph  
15 (A) and inserting the following new subparagraph:

16 “(A)(i) except as provided in clause (ii),  
17 any actual damages to each of the borrowers in  
18 the class as a result of the failure; or

19 “(ii) in the case of an action for a failure  
20 to comply with the requirements of subsection  
21 (g), 3 times any such actual damages; and”.

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