

110TH CONGRESS
2D SESSION

S. 2981

To amend the Servicemembers Civil Relief Act to provide a one-year period of protection against mortgage foreclosures for certain disabled or severely injured servicemembers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 6, 2008

Mr. CASEY (for himself and Mr. ISAKSON) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend the Servicemembers Civil Relief Act to provide a one-year period of protection against mortgage foreclosures for certain disabled or severely injured servicemembers, and for other purposes.

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 “Disabled Veterans
5 Home Ownership Preservation Act of 2008”.

1 **SEC. 2. EXPANDED PERIOD OF PROTECTION AGAINST**
2 **MORTGAGE FORECLOSURES FOR CERTAIN**
3 **DISABLED OR SEVERELY INJURED**
4 **SERVICEMEMBERS.**

5 (a) EXPANDED PERIOD OF PROTECTION.—Section
6 303 of the Servicemembers Civil Relief Act (50 U.S.C.
7 App. 533) is amended—

8 (1) by striking subsection (c) and inserting the
9 following new subsection (c):

10 “(c) SALE OR FORECLOSURE.—

11 “(1) IN GENERAL.—A sale, foreclosure, or sei-
12 zure of property for a breach of an obligation de-
13 scribed in subsection (a) shall not be valid if made
14 during the period applicable to a servicemember as
15 specified in paragraph (2) except—

16 “(A) upon a court order granted before
17 such sale, foreclosure, or seizure with a return
18 made and approved by the court; or

19 “(B) if made pursuant to an agreement as
20 provided in section 107.

21 “(2) APPLICABLE PERIODS.—The period appli-
22 cable to a servicemember under paragraph (1) is the
23 appropriate period as follows:

24 “(A) In the case of a servicemember who
25 incurs a serious injury or illness during the pe-
26 riod of the servicemember’s military service,

1 during the period of the servicemember's mili-
2 tary service and within one year after.

3 “(B) In the case of an individual (includ-
4 ing a servicemember otherwise covered by sub-
5 paragraph (A)), who, within one year after the
6 individual's period of military service as a
7 servicemember, files a claim with the Secretary
8 of Veterans Affairs for disability compensation
9 under title 38, United States Code, during the
10 period of the individual's military service as a
11 servicemember and until 30 days after the date
12 of the final adjudication of such claim (includ-
13 ing any review or appeal of such claim if appli-
14 cable).

15 “(C) In the case of any other
16 servicemember, during the period of the
17 servicemember's military service and within 90
18 days after.”; and

19 (2) by adding at the end the following new sub-
20 section:

21 “(e) SERIOUS INJURY OR ILLNESS DEFINED.—In
22 this section, the term ‘serious injury or illness’, in the case
23 of a servicemember, means an injury or illness incurred
24 by the servicemember in line of duty on duty as described
25 in section 101(2)(A) that may render the servicemember

1 medically unfit to perform the duties of the
2 servicemember's office, grade, rank, or rating.”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 subsection (a) shall take effect on the date of the enact-
5 ment of this Act, and shall apply to any sale, foreclosure,
6 or seizure or property that occurs on or after that date.

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