



Sen. Terry Link

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09400SB2305sam001

LRB094 17543 LCT 55310 a

1 AMENDMENT TO SENATE BILL 2305

2 AMENDMENT NO. _____. Amend Senate Bill 2305 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The High Risk Home Loan Act is amended by
5 changing Section 115 as follows:

6 (815 ILCS 137/115)

7 Sec. 115. Report of default and foreclosure rates on
8 conventional loans.

9 (a) On or before October 1 and April 1 of each year, each
10 servicer of Illinois residential mortgage loans shall report to
11 the Secretary of Financial and Professional Regulation, the
12 Director of the Division of Banking, or the Director of the
13 Division of Financial Institutions ~~Commissioner or the~~
14 ~~Director~~ the default and foreclosure data of conventional loans
15 for the 6-month periods ending June 30 and December 31,
16 respectively.

17 (b) Each servicer shall report the following information:

18 (1) The average quarterly dollar amount of
19 conventional one to 4 family mortgage loans secured by
20 Illinois real estate.

21 (2) The average quarterly number of conventional one to
22 4 family mortgage loans secured by Illinois real estate.

23 (3) The average quarterly dollar amount of
24 conventional one to 4 family mortgage loans secured by

1 Illinois real estate that are in default over 90 days.

2 (4) The average quarterly number of conventional one to
3 4 family mortgage loans secured by Illinois real estate
4 that are in default over 90 days.

5 (5) The dollar amount of foreclosures on one to 4
6 family conventional loans completed during the reporting
7 period.

8 (6) The number of foreclosures on one to 4 family
9 conventional loans completed during the reporting period.

10 (7) Whether any of the loans where a foreclosure was
11 completed were originated less than 18 months before the
12 completed foreclosure.

13 (8) Whether any of the loans where a foreclosure was
14 completed had a note rate greater than 10% for first lien
15 mortgage loans or greater than 12% in the case of a junior
16 lien.

17 (c) An officer of the servicer shall sign the form.

18 (d) On or before October 1, 2006, but following the report
19 due pursuant to this Section for the 6-month period ending June
20 30, 2006, the reporting requirements of this Section shall not
21 apply to a bank chartered under the Illinois Banking Act, a
22 savings bank chartered under the Savings Bank Act, a savings
23 and loan association chartered under the Illinois Savings and
24 Loan Act of 1985, or a credit union chartered under the
25 Illinois Credit Union Act. The Secretary of Financial and
26 Professional Regulation, the Director of the Division of
27 Banking, or the Director of the Division of Financial
28 Institutions may impose the reporting requirements on an
29 individual bank, savings bank, savings and loan association, or
30 credit union whenever the Secretary or either Director has
31 cause to believe that the financial institution has experienced
32 a rate of defaults or foreclosures on residential mortgage
33 loans that substantially exceeds the rate of defaults or
34 foreclosures experienced by other financial institutions in

1 Illinois. Such a belief by the Secretary or either Director may
2 be based on examination findings and on data submitted by
3 financial institutions under this Section on or before October
4 1, 2006. The Department of Financial and Professional
5 Regulation may adopt reasonable rules to implement and
6 administer this subsection (d) by establishing the terms and
7 conditions for the imposition of such a reporting requirement
8 on a financial institution.

9 (Source: P.A. 93-561, eff. 1-1-04.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."