

May 18, 2010

S 1216. EXTEND EMERGENCY FORECLOSURE PROGRAM. Filed 5/18/10. *TO AMEND AND EXTEND THE EMERGENCY PROGRAM TO REDUCE HOME FORECLOSURES ACT.*

Establishes the State Home Foreclosure Prevention Trust Fund, and makes technical and conforming changes to Article 11 of GS Chapter 45, *Emergency Program to Reduce Home Foreclosures*.

Removes the definitions of *annual percentage rate*, *rate spread home loan*, and *subprime loan* from the Article, and makes conforming changes. Amends GS 45-103 to require that pre-foreclosure notices filed with the Administrative Office of the Courts (AOC) include the due date of the last scheduled payment made by the borrower. Removes the database requirement placed on AOC and the Commissioner of Banks in GS 45-103(c).

State Home Foreclosure Prevention Trust Fund. Amends GS 45-104 to establish the Fund, under management of the Office of the Commissioner of Banks (Office). Requires the Office to collect a \$75 fee from the mortgage servicer at the time a pre-foreclosure notice is filed. Allows the imposition of one fee per 12-month period for a home loan. Authorizes the Office to allocate funds, along specified criteria, to cover the Office's administrative costs, to reimburse non-profit housing counseling agencies and legal service providers (including in association with other state and federal programs), and to the North Carolina Housing Trust Fund after the Fund's purposes expire.

Extends the expiration date for the Emergency Program to reduce Home Foreclosures to November 1, 2010 (was November 15, 2008), and makes conforming changes.

Effective November 1, 2010, and expires on May 31, 2013.

Intro. by Blue.

GS 45

June 8, 2010

S 1216. EXTEND EMERGENCY FORECLOSURE PROGRAM. Filed 5/18/10. Senate committee substitute makes the following changes to 1st edition. Amends proposed GS 45-104(c) to prohibit the \$75 fee paid by the mortgage servicer to the State Home Foreclosure Prevention Trust Fund from being charged more than once (was, must not be charged more than once in a 12-month period) for a home loan covered by the act.

June 9, 2010

S 1216. EXTEND EMERGENCY FORECLOSURE PROGRAM. Filed 5/18/10. Senate committee substitute makes the following changes to 2nd edition. Makes clarifying changes to provisions relating to the effective and expiration date of provisions to provide that the expiration of the Emergency Program to Reduce Home Foreclosures is on May 31, 2013, and the amendments made by the act are effective November 1, 2010. Also clarifies application of some provisions to the Credit Union Division.

June 16, 2010

S 1216. EXTEND EMERGENCY FORECLOSURE PROGRAM. Filed 5/18/10. House committee substitute makes the following changes to 3rd edition. Amends GS 40-103 to require the Administrative Office of the Courts (AOC) to establish an internal database to track information filed by mortgage servicers. Limits access to the database to AOC, the Office of Commissioner of Banks, and the clerk of court. Makes conforming changes. Makes technical changes. Sets amendments to Article 11 (Emergency Program to Reduce Home Foreclosures) and changes to GS 45-21.16(c2) and GS 45-21.16(d), to expire on May 31, 2013.

June 24, 2010

S 1216. EXTEND EMERGENCY FORECLOSURE PROGRAM. Filed 5/18/10. House committee substitute makes the following changes to 4th edition.

Amends GS 45-103 to clarify that the internal database, established by the Administrative Office of the Courts (AOC), will be designed and developed by the Commissioner of Banks (Commissioner) in consultation with AOC.

Adds new section amending GS 53-244.090(b) to increase the filing fee for licensing each principal and each branch office of a mortgage broker or mortgage lender under the Secure and Fair Enforcement Mortgage Licensing Act (S.A.F.E.) from \$125 to \$300. Makes a conforming change.

Adds new section amending GS 53-244.010(b) [appears to actually amend GS 53-244.101(b)] to increase the renewal fee for licensed mortgage lenders and mortgage brokers from \$125 to \$300 for each licensed branch office under S.A.F.E. Also increases the annual renewal fee for licensed mortgage loan originators from \$67.50 to \$125.

Adds new section amending GS 53-244.119 (pertaining to the National Mortgage Licensing System and Registry) to authorize the Commissioner to require a licensee to pay an administrative processing fee, not to exceed \$75, for each of the specified licensing status changes.

Adds new section amending GS 24-1.1E(a)(5) to exclude from the definition of *points and fees* under the high-cost home loans provision of the Predatory Lending law (1) the portion of the upfront fees collected and paid to the Federal Housing Administration (FHA), the Veterans' Administration (VA), and the US Department of Agriculture (USDA) to guarantee or insure a home loan that exceeds 1.25% of the total loan amount, or (2) the portion of any upfront private mortgage insurance premium, charge, or fee that exceeds 1.25% of the total loan amount, provided that the charge is required to be refundable on a pro-rated basis, the refund is automatically issued following notification of the satisfied loan, and the borrower has the right to request or receive a pro-rated refund.

Adds new section amending GS 24-1.1E(a)(6) to reduce the threshold for total points and fees from 5% to 4% of the total loan amount for loans exceeding \$20,000.

Makes a conforming change to the title, and makes the added sections effective September 1, 2010.

August 12, 2010

SL 2010-168 (S 1216). EXTEND EMERGENCY FORECLOSURE PROGRAM. AN ACT TO AMEND AND EXTEND THE EMERGENCY PROGRAM TO REDUCE HOME FORECLOSURES ACT, TO INCREASE AND AUTHORIZE FEES UNDER THE S.A.F.E. MORTGAGE LICENSING ACT, AND TO REVISE THE DEFINITION OF CERTAIN TERMS IN THE PREDATORY LENDING LAW. Summarized in *Daily Bulletin* 5/18/10, 6/8/10, 6/9/10, 6/16/10, and 6/24/10. Enacted August 2, 2010. Sections 1–3 are effective November 1, 2010. Sections 4–8 are effective September 1, 2010. The remainder is effective August 2, 2010.