

**2012 STATE LEGISLATIVE TRACKING CHART – REVERSE MORTGAGES**  
NRMLA<sup>1</sup>

| STATE      | BILL   | SUMMARY  | BILL HISTORY   |
|------------|--------|--|--|
| CALIFORNIA | SB 715 | This bill would require insurers and insurance producers, as defined, to comply with specified requirements regarding the purchase, exchange, or replacement of an annuity recommended to a consumer, including, but not limited to, having reasonable grounds for the insurance producer believing the annuity transaction would be suitable for the consumer, as provided. As amended on 04/25/11, determining suitability includes consideration of whether or not a senior has a reverse mortgage. | <p><u>Senate</u><br/>           02/18/2011: Introduced. Read first time. To Rule Committee for assignment. To print.<br/>           05/23/2011: Passed. (Ayes 39. Noes 0. Page 1065.) Ordered to the Assembly.<br/>           08/31/2011: In Senate. Concurrence in Assembly amendments pending.<br/>           09/07/2011: Assembly amendments concurred in. (Ayes 39. Noes 0.) Ordered to engrossing and enrolling.<br/>           09/12/2011: Sept. 12 Enrolled and presented to the Governor at 3:30 p.m.<br/>           09/20/2011: Vetoed by the Governor.<br/>           09/21/2011: In Senate. Consideration of Governor's veto pending.</p> <p><u>Assembly</u><br/>           05/23/2011: In Assembly. Read first time. Held at Desk.<br/>           08/31/2011: Passed. Ordered to the Senate.</p> <p>[We have been advised by Senate staff that no further action on SB 715 is expected. In 2011, the Governor signed AB 689 which was substantially similar to SB 715. Accordingly, while SB 715 is technically alive for the duration of the legislative session, no further action is expected.]</p> |

<sup>1</sup> This Chart was updated on February 10, 2012 by Weiner Brodsky Sidman Kider PC solely for use by NRMLA and may not be relied upon by others. This Chart summarizes 2011/2012 state legislative items through and up to February 10, 2012 directly affecting reverse mortgages, is for informational purposes only, and is not intended as formal legal advice. This Chart is based upon compilations available to us as reported in fee-based electronic databases. While we relied upon such databases in the preparation of this Chart, we cannot assure that such databases produce timely or accurate information. Further, we have not undertaken to engage nor did we confer with locally licensed counsel or governmental relations specialists in any of the jurisdictions discussed in this Chart, nor have we consulted with state legislative staff in all such jurisdictions. Such consultations, if undertaken, may reveal additional information not reflected in this Chart.

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| GEORGIA | HB 338 | <p>HB 338 provides for the “Secure Reverse Mortgage Act. The Act specifies borrower income and asset thresholds, which, if not met, would require the borrower to obtain face to face counseling. The relevant income and asset thresholds are as follows: (1) borrower has a gross income of less than 50 percent of the area median income, as periodically determined by the United States Department of Housing and Urban Development; (2) borrower is over 62 years of age; (3) borrower possesses assets, excluding a primary residence, valued at less than \$120,000.00; and (4) borrower is not an agent, trustee, personal representative, attorney-in-fact, guardian, or conservator signing on behalf of the mortgagor unless approved by Order of a Court of competent jurisdiction.</p> | <p>02/23/2011: Filed.<br/>           02/24/2011: Introduced; read first time; assigned to committee on banks and banking.<br/>           02/28/2011: Second reading. (In the House only, on next legislative day, Clerk reads bill’s title (second reading) in chamber, although actual bill is now in committee.)</p> <p>[Session ongoing; carryover to 2012 expected]</p> |

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| ILLINOIS | HB 1337 | Provides that no person may challenge the validity of or the priority of an otherwise lawfully executed and recorded mortgage solely on the basis that the rate of interest was not expressed in the mortgage. Retains existing provision that makes reverse <b>mortgage loans</b> subject to this section (which governs the contents and form for mortgages on land), except where requirements concerning the definiteness of the term and amount of indebtedness provisions of a mortgage would be inconsistent with law governing reverse mortgage loans. | <p>02/09/2011: Introduced; first reading; referred to Rules Committee.<br/>           02/15/2011: Assigned to Judiciary I- Civil Law Committee; Committee Hearing Feb 23 2011 8:00AM Stratton Building Room C-1 Springfield, IL<br/>           02/23/2011: Do Pass/Short Debate Judiciary I- Civil Law Committee; placed on Calendar 2<sup>nd</sup> Reading – Short Debate.<br/>           02/24/2011: Added Chief Co-Sponsor; Second Reading – Short Debate; Placed on Calendar Order of 3<sup>rd</sup> Reading – Short Debate.<br/>           04/15/2011: Rule 19(a) / Re-referred to Rules Committee</p> <p>[Session ongoing; carryover to 2012 expected]</p> |
|          | SB 1846 | Amends the High Risk Home Loan Act. Provides that “high risk home loan” does not include a loan for <b>reverse mortgage</b> financing of residential real estate, including under programs regulated by the Federal Housing Administration (FHA).  | <p>02/09/2011: Introduced; first reading; referred to Assignments.<br/>           03/02/2011: Assigned to Financial Institutions.<br/>           03/10/2011: Postponed--Financial Institutions (hearing scheduled for 3/10 at 9:30 a.m.).<br/>           03/17/2011: Postponed – Financial Institutions.<br/>           03/18/2011: Rule 3-9(a)/re-referred to Assignments.</p> <p>[Session ongoing; carryover to 2012 expected]</p>   |

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| ILLINOIS<br>(CONT'D) | SB 1227 | <p>The Bill is concerned primarily with manufactured housing in Illinois. Amends various provisions relating to reverse mortgages to provide that real property or real estate includes a manufactured home as defined in subdivision (53) of Section 9-102 of the Uniform Commercial Code which is real property as defined in Section 5-35 of the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act.</p> | <p><u>Senate</u><br/>           02/08/2011: Introduced; first reading; referred to Assignments.<br/>           02/23/2011: Assigned to Revenue.<br/>           03/03/2011: Do Pass Revenue; Placed on Calendar Order of 2nd Reading March 8.<br/>           04/05/2011: Senate Floor Amendment No. 1 Filed with Secretary by Sen. David Koehler, Referred to Assignments<br/>           04/06/2011: Senate Floor Amendment No. 1 Assignments Refers to Revenue; Recommend Do Adopt Revenue<br/>           04/11/2011: Second Reading; Senate Floor Amendment No. 1 Adopted; Koehler; Placed on Calendar Order of 3rd Reading April 12, 2011<br/>           04/13/2011: Third Reading – Passed.</p> <p><u>House</u><br/>           04/13/2011: Arrived in House<br/>           04/14/2011: Placed on Calendar Order of First Reading<br/>           04/14/2011: Chief House Sponsor Rep. Daniel J. Burke; Referred to Rules Committee<br/>           04/21/2011: Assigned to Executive Committee<br/>           05/13/2011: Committee Deadline Extended-Rule 9(b) May 20, 2011<br/>           05/20/2011: Added Alternate Co-Sponsors Rep. Dan Reitz, Rep. Mike Bost, Rep. Brandon W. Phelps; Final Action Deadline Extended-9(b) May 27, 2011<br/>           05/24/2011: Added Alternate Co-Sponsor Rep. Eddie Lee Jackson, Sr.<br/>           05/27/2011: Final Action Deadline Extended-9(b) May 31, 2011.<br/>           05/29/2011: House Committee Amendment No. 1 Filed with Clerk by Rep. Barbara Flynn Currie; House Committee Amendment No. 1 Referred to Rules Committee; House Committee Amendment No. 1 In line by 3PM; Timely filed in accordance with House Rule 18(e); House Committee Amendment No. 1 Rules Refers to Executive Committee.<br/>           05/31/2011: Rule 19(a) / Re-referred to Rules Committee; House Committee Amendment No. 1 Rule 19(a) / Re-referred to Rules Committee.<br/>           11/02/2011: House Final Action Deadline Extended-9(b) November 10, 2011; House Assigned to Revenue &amp; Finance Committee<br/>           11/10/2011: House Final Action Deadline Extended-9(b) November 30, 2011</p> <p>[Session ongoing; carryover to 2012 expected]</p> |

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| ILLINOIS<br>(CONT'D) | S.B. 3407 | Amends the Condominium Property Act. Provides that notwithstanding any provision in any condominium instrument or bylaw, a condominium association must not: impair or restrict a condominium unit owner from securing a reverse mortgage, so long as the reverse mortgage does not adversely affect the rights of an association to collect an assessment; prevent, impair, or restrict a unit owner from borrowing money on the unit by refusing to cooperate with a lender or any federal program; or levy a fee to process or to close on a reverse mortgage or other similar financing transaction. | 02/07/2012: Introduced; referred to Committee on Assignments.   |
|                      | S.B. 3522 | Amends the High Risk Home Loan Act by excluding reverse mortgage loans from the definition of "high risk home loan."   | 02/08/2012: First reading; referred to Assignments.   |
| MINNESOTA            | HF 583    | HF 583 repeals certain obsolete limitations on state regulation of residential mortgage lending and conforms law to the federal Dodd-Frank Act. The bill retains the existing provision prohibiting a person from making, providing, or arranging a residential mortgage loan, <i>other than a reverse mortgage made pursuant to United States Code, title 15, chapter 41</i> , if the borrower's compliance with any repayment option offered results in negative amortization during any 6 month period.   | 02/17/2011: Introduced; first reading; referred to commerce and regulatory reform.<br>[Session ongoing; carryover to 2012 expected] |

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| MISSOURI   | HB 1409 | Changes the laws regarding certain mortgage disclosures and requires any lender making a reverse mortgage loan to allow for the repayment of the loan after the death of the person who entered into the loan. | 01/19/2012: Introduced and Read First Time (H)<br>01/23/2012: Read Second Time (H)  |
| NEW MEXICO | SB 1    | SB 1 requires loss mitigation efforts, including a review and underwriting of income in order to assess a borrower's ability to stay in the home under a revised, loan modification payment plan.              | 12/16/2011: Introduced; referred to Senate Corporations & Transportation Committee<br>01/27/2012: Referred to Judiciary Committee |

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|----------------------|--------------------|---|--|
| NEW YORK             | A39 (same as S319) | <p>A39 establishes a New York state senior housing opportunities partnership authority.</p> <p>In defining a “Senior Housing Opportunities Facility” that is owner-occupied, the bill states that owner-occupied means and includes any provision or instrument that allows a senior to own or eventually own their living unit such that it becomes and owner-occupied living unit, including through such means as a reverse mortgage.</p>  | 01/04/2012: Referred to Assembly Committee on Aging.   |
| NEW YORK<br>(CONT'D) | S319 (same as A39) | <p>S319 establishes a New York state senior housing opportunities partnership authority.</p> <p>In defining a “Senior Housing Opportunities Facility” that is owner-occupied, the bill states that owner-occupied means and includes any provision or instrument that allows a senior to own or eventually own their living unit such that it becomes and owner-occupied living unit, including through such means as a reverse mortgage.</p> | 01/04/2012: Referred to Senate Committee on Housing, Construction and Community Development. |

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| NEW YORK<br>(CONT'D) | S639 (same as A3876) | S639 establishes a reverse mortgage loan program within the state of New York mortgage agency to enable low income elderly homeowners to stay at home and pay for their long-term care. Under the bill, "reverse mortgage loan" is defined as "a loan for a term of years to be determined by the agency, in which the loan proceeds are advanced to a borrower in equal, monthly installments and may include an initial, one-time lump sum payment of up to five thousand dollars." "Low income" is defined as income that does not exceed the income limits established by the agency. Among other terms and conditions, loans shall not be issued for more than eighty percent of the value of the borrower's home, with minimum and maximum loan amounts to be determined by the agency on a case by case basis. In order to be eligible for the program, the applicant must be an individual age sixty-five or older, be the owner and occupant of a single family dwelling or condominium, who has lost some or all of the capacity to function on his or her own due to a chronic illness or condition, and who, based upon an assessment performed by an area agency on aging, requires or is expected to require one or more of specified services for an extended period of time of six consecutive months or more. | 01/04/2012: Referred to Senate Committee on Corporations, Authorities and Commissions. |

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| NEW YORK<br>(CONT'D) | S1078 | An Act amending the real property law to specify, with respect to reverse mortgage loans for persons sixty years of age or older, that an authorized lender, at its option, may receive no more than twenty percent of the future appreciation of the property securing the reverse mortgage loan as full or partial consideration for making the reverse mortgage loan. Such future appreciation shall be limited by such rules and regulations as the banking board may adopt or the authorized lender may charge a fixed rate of interest on the outstanding balance of monies advanced under the reverse mortgage agreement or any combination thereof. Any such appreciation shall not be considered interest for the purposes of any law regulating the maximum rate of interest which may be charged, taken or received. | 01/04/2012: Referred to Senate Committee on Finance. |

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| NEW YORK<br>(CONT'D) | A1597 | AN ACT enacting the "foreclosure diversion act of 2011"; to amend the real property actions and proceedings law, in relation to giving notice to mortgagors of the availability of foreclosure prevention counseling; to amend the banking law and the civil practice law and rules, in relation to settlement conferences; to amend the real property actions and proceedings law, in relation to availability of a settlement conference in pending foreclosure actions; to amend the real property actions and proceedings law, in relation to providing a one-year postponement on foreclosures; to amend the judiciary law, in relation to the assignment of foreclosure actions; to repeal certain provisions of the civil practice law and rules relating thereto; and providing for the repeal of such provisions upon expiration. "Home loan" is defined to exclude reverse mortgage transactions. | 01/04/2012: Referred to Assembly Committee on Banks. |

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| NEW YORK<br>(CONT'D) | S1743 | <p>An Act to amend the real property law, in relation to reverse mortgage loans.</p> <p>The bill provides for reverse mortgage loans on cooperative apartments under sections 280 and 280-a of the real property law; changes section 280 of the real property law to address reverse mortgage loans for persons sixty-two years of age or older, instead of sixty years old; removes the definitions “term reverse mortgage loan” and “tenure reverse mortgage loan” from section 280 of the real property law and instead defines “reverse mortgage maturity” as “a reverse mortgage matures solely upon contingent events, such as events including but not limited to death of the surviving borrower or the real property securing the loan no longer being the borrowers’ principal residence”; removes the requirement that a lender provide a schedule of payments to a borrower in connection with loan other than a tenure reverse mortgage loan; removes provisions permitting the refinancing or extension of a term reverse mortgage loan at the end of its term.</p> | 01/04/2012: Referred to Senate Committee on Aging. |

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| NEW YORK<br>(CONT'D) | S2185 (Same as A4621) | <p>Establishes the New York state compact for long term care; requires federal financial participation; requires that the state provide assurance of quality of services in designing the waiver; outlines participation in such compact and pledge amounts; authorizes the waiver of all or part of the participation fee and the requirement that a beneficiary pay the difference between the compact rate and the compact subsidy if the beneficiary's countable income, after deductions of these items is less than certain protected income amounts; describes fraudulent practices.</p> <p>With respect to the treatment of assets, which are taken into account in determining the pledge amount required of a participant, the bill states that the value of any debts, including reverse mortgages, shall be deducted when calculating the total value of countable assets. In addition, the amount received from a reverse mortgage shall not be considered as income or assets, if expended within thirty days of the time in which received. An amount from a reverse mortgage that is held for longer than such thirty day period shall be considered as countable income, unless used for the purchase of long term care services as defined by the compact.</p> | <p><u>Senate</u><br/>01/04/2012: Returned to Senate; referred to Senate Committee on Aging.</p> <p><u>Assembly</u><br/>01/04/2012: Died in Assembly.</p> |

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| NEW YORK<br>(CONT'D) | A2277 | <p>Exempts veteran disability payments from inclusion as income of persons sixty-five years of age or over to determine eligibility for a real property tax exemption.</p> <p>The bill maintains the existing provision that states that income shall not include the proceeds of a reverse mortgage, as authorized by section six-h of the banking law, and sections two hundred eighty and two hundred eighty-a of the real property law; provided, however, that monies used to repay a reverse mortgage may not be deducted from income, and provided additionally that any interest or dividends realized from the investment of reverse mortgage proceeds shall be considered income.</p> | 01/04/2012: Referred to Assembly Committee on Veterans' Affairs.   |
|                      | S2290 | <p>S2290 directs the superintendent of banks to consider a banking institution's origination history for certain reverse mortgage loans to a mortgagor or mortgagors whose income does not exceed 80% of the median income of the county of residence when assessing its performance records in meeting credit needs of local communities. As currently defined, banking institution means all banks, trust companies, savings banks, savings and loan associations, credit unions and foreign banking corporations incorporated, chartered, organized or licensed under the laws of this state.</p>  | <p>01/18/2011: Introduced; referred to Senate Committee on Banks.</p> <p>[This bill did not carry over to 2012 because the sponsor resigned. However, it is possible that the bill will be reintroduced by another sponsor.]</p> |

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| NEW YORK<br>(CONT'D) | A 3876<br>(same as<br>S639) | <p>Establishes a reverse loan mortgage loan program for low income seniors; provides for the state of NY mortgage agency to establish many of the parameters for the implementation of the program; defines terms; requires a care needs assessment of each applicant; further provides that area agencies on aging shall provide counseling and assistance to applicants; directs the state of New York mortgage agency to issue an annual report to the governor and the legislature. The goal of the program would be to enable low income senior homeowners to use the equity in their homes to pay for their long term care needs. In order to qualify for the program, an applicant would have to be sixty-five years of age or older, meet the income eligibility guidelines set by SONYMA, be the owner and occupant of a single family dwelling or condominium and have lost some or all of the capacity to function on his or her own due to chronic illness. An applicant would have to undergo a care needs assessment and counseling on reverse mortgages in order to obtain a loan from the program. Loans issued by the program would offer a low, fixed interest rate to be established by SONYMA. In addition, any origination fees, closing costs or fees charged by the program would be at a reduced rate to be determined by the Agency.</p> | 01/04/2012: Referred to Housing. |

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| NEW YORK<br>(CONT'D) | A 4044 | An Act to amend the civil service law, in relation to long term care counseling. Pursuant to AB 4044, long term care counseling shall consist of but shall not be limited to: information, education and advice dealing with long term care issues and planning for long term care, including information about long term care insurance benefits, the partnership plan, <i>reverse mortgages</i> , the risks to one's finances absent long term care planning, tax benefits of purchasing a long term care insurance policy, and programs and services in the community related to long term care, including who to call for assistance.  | 01/04/2012: Referred to Assembly Governmental Employees. |
|                      | A 4179 | A 4179 exempts social security payments in determining eligibility for tax exemptions for persons 65 years of age or older. The bill maintains the existing provision which states that income shall not include the proceeds of a reverse mortgage, as authorized by section six-h of the banking law, and sections two hundred eighty and two hundred eighty-a of the real property law; provided, however, that monies used to repay a reverse mortgage may not be deducted from income, and provided additionally that any interest or dividends realized from the investment of reverse mortgage proceeds shall be considered income. | 01/04/2012: Referred to Aging.                           |

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| STATE                | BILL                         | SUMMARY  | BILL HISTORY                   |
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| NEW YORK<br>(CONT'D) | A 4621<br>(Same as<br>S2185) | <p>Establishes the New York state compact for long term care; requires federal financial participation; requires that the state provide assurance of quality of services in designing the waiver; outlines participation in such compact and pledge amounts; authorizes the waiver of all or part of the participation fee and the requirement that a beneficiary pay the difference between the compact rate and the compact subsidy if the beneficiary's countable income, after deductions of these items is less than certain protected income amounts; describes fraudulent practices.</p> <p>With respect to the treatment of assets, which are taken into account in determining the pledge amount required of a participant, the bill states that the value of any debts, including reverse mortgages, shall be deducted when calculating the total value of countable assets. In addition, the amount received from a reverse mortgage shall not be considered as income or assets, if expended within thirty days of the time in which received. An amount from a reverse mortgage that is held for longer than such thirty day period shall be considered as countable income, unless used for the purchase of long term care services as defined by the compact.</p> | 01/04/2012: Referred to Aging. |

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| NEW YORK<br>(CONT'D) | A 5071 | Provides for a simplified definition of income in relation to senior citizens for real property taxation purposes. Deletes provision that currently specifies that income shall not include the proceeds of a reverse mortgage made under the banking and real property law.   | 02/11/2011: Introduced; referred to Aging.<br>12/16/2011: Enacting clause stricken.<br><br>[This bill did not carry over to 2012 because the sponsor resigned. However, it is possible that the bill will be reintroduced by another sponsor.] |
|                      | A 5105 | Enacts the "New York sub-prime predatory lending prevention act"; establishes guidelines for sub-prime loans; establishes duties of mortgage bankers and mortgage brokers; relates to the qualifications for licensing and certification of real estate appraisers. For purposes of the act, "home loan" means a home loan, including an open-end credit plan, <b>other than a reverse mortgage transaction.</b> | 01/04/2012: Referred to Banks.   |
|                      | A 5536 | A 5536 amends the real property tax law to exempt up to \$12,000 of retirement and social security benefits from the definition of income. The bill retains the existing provision, which provides that income shall not include the proceeds of a reverse mortgage made under the banking or real property law.   | 01/04/2012: Referred to Real Property Taxation.  |

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| NEW YORK<br>(CONT'D) | S 3723/<br>A 5815 | This bill relates to manufactured homes certificate of title and the conveyance and encumbrance of manufactured homes as real property. The bill provides for transfers of manufactured homes by deed, instead of the current certificate of title issued through the Department of Motor Vehicles. The stated justification for the bill is that a manufactured home owner was denied a reverse mortgage loan.  | <p><u>S 3723</u><br/>01/04/2012: Referred to Housing, Construction, and Community Development.<br/>01/31/2012: Amend and Recommit to Housing, Construction and Community Development; Print No. 3723A.</p> <p><u>A 5815</u><br/>01/04/2012: Referred to Judiciary.<br/>01/31/2012: Amend and Recommit to Judiciary; Print No. 5815A.</p> |
|                      | A 6172            | A 6172 would, among other things, increase the age of eligibility for obtaining a reverse mortgage loan to age sixty-two; allow a reverse mortgage loan on a cooperative apartment, life estate, trust, and leasehold interest; repeal section 280-a of the real property law, which provides for reverse mortgage loans for persons seventy years of age or older. The bill appears to cover similar subject matter as S 1743 (for example, cooperative apartments), but is <u>not</u> identical to S 1743. | 01/04/2012: Referred to Committee on Housing.  |

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| NEW YORK | A 6778 | This bill relates to the real property school tax exemption granted to persons sixty-five years of age or over; provides that the income tax years shall mean either of the two income tax years immediately preceding the date of application for exemption. Amends Paragraph (a) of subdivision 3 of section 467 of the real property tax law, as amended by chapter 259 of the laws of 2009, which addresses reverse mortgage loans. Note that the existing provisions regarding reverse mortgage loans are not changed. | 01/04/2012: Referred to Committee on Aging.  |
|          | A 7096 | Provides that a lender providing a reverse mortgage to a person who is 60 years of age or older may receive not more than 20% of the future appreciation of property secured by the mortgage as consideration for providing such reverse mortgage.  | 01/04/2012: Referred to Judiciary Committee. |

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| OREGON  | H.B. 4140 | Requires beneficiary or beneficiary’s agent under residential trust deed to send notice of mediation and enter into mediation with grantor for purpose of agreeing to foreclosure avoidance measure. Specifies form and content of notice of mediation, date by which notice must be sent and method of service. Applies to mortgages generally rather than reverse mortgages specifically. Would be effective upon passage. | 02/01/2012: First reading. Referred to the desks of the Co-Speakers; Referred to General Government and Consumer Protection.   |
|         | H.B. 4039 | Requires lenders to disclose to seniors applying for a reverse mortgage that the senior is not permitted to obtain a reverse mortgage if the senior is already under a tax deferral program.   | 02/01/2012: First reading. Referred to the desks of the Co-Speakers; referred to Revenue.<br>02/03/2012: Public Hearing held.<br>02/06/2012: Work Session held.<br>02/07/2012: Recommendation: Do pass with amendments and be printed A-Engrossed.<br>02/08/2012: Second reading.<br>02/09/2012: Third reading. Carried by Barnhart,Berger. Passed. Ayes, 58; Excused, 2--Lindsay, Richardson. |
| WYOMING | H.B. 42   | Provides for the study of issues related to home equity conversion mortgages, including the current level of regulation and whether further state regulation is necessary.   | 02/01/2012: Introduced; Bill Number Assigned.  |