

119TH CONGRESS
1ST SESSION

S. _____

To amend the Federal Housing Enterprises Safety and Soundness Act of 1992 to require that financial institutions, appraisal management companies, appraisers, and other valuation professionals are serving the housing market in a manner that is efficient and consistent for all mortgage loan applicants, borrowers, and communities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. WARNOCK (for himself, Ms. ALSOBROOKS, Ms. BLUNT ROCHESTER, Mr. KIM, Mr. BOOKER, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Federal Housing Enterprises Safety and Soundness Act of 1992 to require that financial institutions, appraisal management companies, appraisers, and other valuation professionals are serving the housing market in a manner that is efficient and consistent for all mortgage loan applicants, borrowers, and communities, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Appraisal Moderniza-
3 tion Act”.

4 **SEC. 2. PUBLIC APPRAISAL DATABASE.**

5 (a) IN GENERAL.—The Federal Housing Enterprises
6 Safety and Soundness Act of 1992 (12 U.S.C. 4501 et
7 seq) is amended by inserting after section 1313B (12
8 U.S.C. 4513b) the following:

9 **“SEC. 1313C. PUBLIC APPRAISAL DATABASE.**

10 “(a) PURPOSE.—The purpose of this section is to
11 provide the public, the Federal Government, and State
12 governments with residential real estate appraisal data to
13 help determine whether financial institutions, appraisal
14 management companies, appraisers, and other valuation
15 professionals are serving the housing market in a manner
16 that is efficient and consistent for all mortgage loan appli-
17 cants, borrowers, and communities.

18 “(b) DEFINITIONS.—In this section:

19 “(1) APPLICATION.—The term ‘application’
20 means the submission of a consumer’s financial in-
21 formation for the purposes of obtaining an extension
22 of credit.

23 “(2) DWELLING.—The term ‘dwelling’—

24 “(A) means a 1-to-4 unit residential struc-
25 ture, whether or not attached to real property;
26 and

1 “(B) includes a detached home, an indi-
2 vidual condominium or cooperative unit, and a
3 manufactured home or other factory-built home.

4 “(3) FINANCIAL INSTITUTION.—The term ‘fi-
5 nancial institution’ means any partnership, com-
6 pany, corporation, association (incorporated or unin-
7 corporated), trust, estate, cooperative organization,
8 or other entity that engages in financial activity.

9 “(4) MORTGAGE LOAN.—The term ‘mortgage
10 loan’ means any extension of credit that is secured
11 by a lien on a dwelling.

12 “(c) AGENCY APPRAISAL DATA SHARING.—

13 “(1) LEGACY APPRAISAL DATA.—Not later than
14 180 days after the date of enactment of this section,
15 the Federal National Mortgage Association, the Fed-
16 eral Home Loan Mortgage Corporation, the Federal
17 Housing Administration, the Department of Agri-
18 culture, and the Department of Veterans Affairs
19 shall provide to the Agency—

20 “(A) the appraisal data collected in con-
21 nection with mortgage loan applications and
22 mortgage loans that financial institutions sub-
23 mitted to the Federal National Mortgage Asso-
24 ciation, the Federal Home Loan Mortgage Cor-
25 poration, the Federal Housing Administration,

1 the Department of Agriculture, and the Depart-
2 ment of Veterans Affairs, as applicable, during
3 the period beginning on January 1, 2017, and
4 ending on the date of enactment of this section;
5 and

6 “(B) the corresponding census tract of the
7 subject property, agency loan identifier, the
8 Universal Loan Identifier required by the Home
9 Mortgage Disclosure Act of 1975 (12 U.S.C.
10 2801 et seq.), the mortgage loan purpose,
11 whether the property is owner occupied, the ac-
12 quiring agency, and the race and ethnicity of
13 the borrower as required by that Act.

14 “(2) MODERNIZED APPRAISAL DATA.—Not
15 later than 1 year after the date of enactment of this
16 section, and on a quarterly basis thereafter, the Fed-
17 eral National Mortgage Association, the Federal
18 Home Loan Mortgage Corporation, the Federal
19 Housing Administration, the Department of Agri-
20 culture, and the Department of Veterans Affairs
21 shall provide to the Agency—

22 “(A) the appraisal data collected in con-
23 nection with mortgage loan applications and
24 mortgage loans that financial institutions sub-
25 mitted in the previous quarter to the Federal

1 National Mortgage Association, the Federal
2 Home Loan Mortgage Corporation, the Federal
3 Housing Administration, the Department of
4 Agriculture, and the Department of Veterans
5 Affairs, as applicable; and

6 “(B) the corresponding census tract of the
7 subject property, agency loan identifier, the
8 Universal Loan Identifier required by the Home
9 Mortgage Disclosure Act of 1975 (12 U.S.C.
10 2801 et seq.), the mortgage loan purpose,
11 whether the property is owner occupied, the ac-
12 quiring agency, and the race and ethnicity of
13 the borrower as required by that Act.

14 “(d) PUBLIC SEARCHABLE DATABASE.—

15 “(1) LEGACY APPRAISAL DATABASE.—Not later
16 than 2 years after the date of enactment of this sec-
17 tion, the Director, in consultation with the Secretary
18 of Housing and Urban Development, the Secretary
19 of Agriculture, and the Secretary of Veterans Af-
20 fairs, shall make publicly available online a search-
21 able and downloadable appraisal-level public use file
22 of the data shared pursuant to subsection (c)(1).

23 “(2) MODERNIZED APPRAISAL DATABASE.—Not
24 later than 2 years after the date of enactment of
25 this section, and on a quarterly basis thereafter, the

1 Director, in consultation with the Secretary of Hous-
2 ing and Urban Development, the Secretary of Agri-
3 culture, and the Secretary of Veterans Affairs, shall
4 make publicly available online a searchable and
5 downloadable appraisal-level public use file of the
6 data shared pursuant to subsection (c)(2).

7 “(e) FORM AND MANNER OF VALUATION DATA.—

8 “(1) IN GENERAL.—Any appraisal data re-
9 quired to be disclosed under subsection (d) shall be
10 itemized at the appraisal level to clearly and con-
11 spicuously disclose—

12 “(A) the assignment data, including the
13 assignment reason, property valuation method,
14 client or lender name, appraisal management
15 company name, appraiser company name, ap-
16 praiser credential level, appraiser identification
17 number, and State, exterior scope of inspection,
18 interior scope of inspection, and the inspection
19 date;

20 “(B) the subject property data, including
21 the physical address, zip code, county, State,
22 neighborhood name, attachment type, number
23 of units excluding accessory dwelling units,
24 number of accessory dwelling units, special tax
25 assessments, whether the subject property is a

1 planned unit development, condominium, coop-
2 erative, property on Native American lands,
3 subject site owned in common, homeowner re-
4 sponsible for all exterior maintenance of dwell-
5 ing, or new construction, the property rights
6 appraised, whether all rights are included in the
7 appraisal, and the legal description;

8 “(C) the market data, including the mar-
9 ket area boundary, search criteria description,
10 number of active listings and their median days
11 on market, lowest list price, median list price,
12 and highest list price, the number of pending
13 sales, the number of sales in the past 24
14 months and their lowest sale price, median sale
15 price, and highest sale price, whether there is
16 distressed market competition, the price trend
17 source, the demand and supply trend, the mar-
18 keting time, and the market commentary;

19 “(D) the project information, including the
20 project information data source, the monthly
21 amount of mandatory fees, the common amen-
22 ities and services included, the utilities included,
23 whether the developer or sponsor in control, any
24 known legal actions, unit special assessments,
25 and unit tax abatements or exemptions;

1 “(E) the subject listing information, in-
2 cluding the subject listing identification num-
3 ber, the start date, end date, days on market,
4 starting list price, and current or final list
5 price;

6 “(F) the sales contract data, including
7 whether there is a sales contract, whether the
8 contract was analyzed, and whether the trans-
9 action appears to be an arms length trans-
10 action, the contract price, the contract data,
11 transfer terms, any personal property conveyed,
12 any known sales concessions, total sales conces-
13 sions and whether such concessions are typical
14 for the market, and sales contract analysis;

15 “(G) for the subject property and each
16 comparable property relied on for the opinion of
17 value, as applicable—

18 “(i) the general data, including the
19 property address, data source, proximity to
20 the subject, list price, listing status, con-
21 tract price or sale price, sales concessions,
22 contract date, sale data, days on market,
23 whether attached or detached, and prop-
24 erty rights appraised;

1 “(ii) the site data, including the site
2 size, neighborhood name, topography, site
3 influence or location, site view, and site
4 range;

5 “(iii) the dwelling data, including the
6 year built, dwelling style, heating, and
7 cooling;

8 “(iv) the energy efficient and green
9 features, including the efficiency rating;

10 “(v) the unit data, including the num-
11 ber of bedrooms, number of full baths,
12 number of half baths, finished area above
13 grade, finished area below grade, unfin-
14 ished area below grade, and below grade
15 exterior access;

16 “(vi) the exterior quality and condi-
17 tion ratings data, including the quality rat-
18 ing, exterior walls and trim, roof, and con-
19 dition rating;

20 “(vii) the interior quality and condi-
21 tion ratings data, including the quality rat-
22 ing, condition rating, kitchen, and overall
23 flooring;

1 “(viii) the overall quality and condi-
2 tion ratings data, including the quality rat-
3 ing and the condition rating;

4 “(ix) the property amenities data, in-
5 cluding the outdoor living, water features,
6 and miscellaneous;

7 “(x) the vehicle storage data, includ-
8 ing type, spaces, and detail; and

9 “(xi) for each comparable relied on for
10 the opinion of value, any adjustments re-
11 lated to each of the above data fields;

12 “(H) the summary data for the com-
13 parable properties relied on for the opinion of
14 value, including the list price, sale price, net ad-
15 justment total, price per finished area above
16 grade, adjusted price, and comparable weight;

17 “(I) the reconciliation data, including the
18 approaches to value, the contract price, opinion
19 of market value, market value condition, rea-
20 sonable exposure time, effective date of ap-
21 praisal, and final value condition statement;

22 “(J) the corresponding census tract of the
23 subject property, agency loan identifier, the
24 Universal Loan Identifier required by the Home
25 Mortgage Disclosure Act of 1975 (12 U.S.C.

1 2801 et seq.), the mortgage loan purpose,
2 whether the property is owner occupied, the ac-
3 quiring agency, and the race and ethnicity of
4 the borrower as required by that Act, based on
5 the data provided by the Federal National
6 Mortgage Association, the Federal Home Loan
7 Mortgage Corporation, the Federal Housing
8 Administration, the Department of Agriculture,
9 and the Department of Veterans Affairs, as ap-
10 plicable, to the Agency and added to the public
11 appraisal database by the Agency; and

12 “(K) such other information as the Agency
13 may require by regulation, after notice and
14 comment.

15 “(2) DISCRETION TO MODIFY PUBLICLY AVAIL-
16 ABLE DATA.—The Agency may modify data collected
17 under this section, to be made publicly available, if
18 the Agency determines by regulation, after notice
19 and comment, that the release of the unmodified
20 data creates risks to a mortgage loan applicant or
21 mortgage loan borrower privacy interests that are
22 not justified by the benefits of such release to the
23 public in light of the statutory purposes.

24 “(f) ACCESS TO THE UNMODIFIED DATABASE.—For
25 enforcement and other purposes, the Agency shall, upon

1 request, provide access to all information collected for the
2 database pursuant to this section, in unredacted form, to
3 any Executive agency, as defined in section 105 of title
4 5, United States Code, the Board of Governors of the Fed-
5 eral Reserve System, the Office of the Comptroller of the
6 Currency, the Federal Deposit Insurance Corporation, the
7 National Credit Union Administration, the Appraisal Sub-
8 committee of the Federal Financial Institutions Examina-
9 tion Council, the Bureau of Consumer Financial Protec-
10 tion, and any State attorney general, State appraiser regu-
11 lator, or other State agency with responsibility for laws
12 related to appraisals.

13 “(g) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion shall be construed to encourage unsafe or unsound
15 lending, appraisal, or valuation practices.

16 “(h) RULES AND INTERPRETIVE GUIDELINES.—Not
17 later than 1 year after the date of enactment of this sec-
18 tion, the Agency shall issue a final rule after notice and
19 comment and issue such guidance as may be necessary
20 to carry out and enforce this section.”.

21 **SEC. 3. RECONSIDERATION OF VALUE.**

22 (a) IN GENERAL.—Section 129E of the Truth In
23 Lending Act (15 U.S.C. 1639e) is amended—

24 (1) by redesignating subsections (j) and (k) as
25 subsections (k) and (l), respectively; and

1 (2) by inserting after subsection (i) the fol-
2 lowing:

3 “(j) CONSUMER RIGHT TO RECONSIDERATION OF
4 VALUE OR SUBSEQUENT APPRAISAL.—

5 “(1) DEFINITIONS.—In this section:

6 “(A) UNACCEPTABLE APPRAISAL PRAC-
7 TICE.—The term ‘unacceptable appraisal prac-
8 tice’ means an appraisal report that—

9 “(i) uses unsupported or subjective
10 terms to assess or rate the property with-
11 out providing a foundation for analysis and
12 contextual information;

13 “(ii) uses inaccurate or incomplete
14 data about the subject property, the neigh-
15 borhood, the market area, or any com-
16 parable property;

17 “(iii) includes references, statements
18 or comparisons about crime rates or crime
19 statistics, whether objective or subjective;

20 “(iv) relies in the appraisal analysis
21 on comparable properties that were not
22 personally inspected by the appraiser when
23 required by the appraisal’s scope of work;

24 “(v) relies in the appraisal analysis on
25 inappropriate comparable properties;

1 “(vi) fails to use comparable prop-
2 erties that are more similar, or nearer, to
3 the subject property without adequate ex-
4 planation;

5 “(vii) uses comparable property data
6 provided by any interested party to the
7 transaction without verification by a disin-
8 terested party;

9 “(viii) uses inappropriate adjustments
10 for differences between the subject prop-
11 erty and the comparable properties that do
12 not reflect the market’s reaction to such
13 differences; or

14 “(ix) fails to make proper adjust-
15 ments, including time adjustments for dif-
16 ferences between the subject property and
17 the comparable properties when necessary.

18 “(B) UNSUPPORTED.—The term ‘unsup-
19 ported’ means, with respect to an appraisal re-
20 port or an appraiser’s opinion of value, that the
21 appraisal report or the opinion of value is not
22 supported by relevant evidence and logic.

23 “(2) REVIEW.—In connection with a consumer
24 credit transaction secured by a consumer’s principal
25 dwelling, a creditor shall have a review and resolu-

1 tion procedure for a consumer-initiated reconsider-
2 ation of value or subsequent appraisal that complies
3 with the following requirements:

4 “(A) The creditor shall complete its own
5 appraisal review before delivering the appraisal
6 to the consumer.

7 “(B) The creditor shall have policies and
8 procedures that provide the consumer with a
9 process to submit one request for a reconsider-
10 ation of value and subsequent appraisal prior to
11 the loan closing or within 60 calendar days of
12 denial of a credit application if the consumer
13 believes the appraisal report may be unsup-
14 ported, may be deficient due to an unacceptable
15 appraisal practice, or may reflect discrimina-
16 tion.

17 “(C) At the time of application and upon
18 delivery of the appraisal report to the con-
19 sumer, the creditor shall provide a written dis-
20 closure to the consumer describing the process
21 for requesting a reconsideration of value or sub-
22 sequent appraisal, which written disclosure shall
23 include a standardized format for the consumer
24 to submit the request for a reconsideration of
25 value, including—

1 “(i) the name of the borrower;

2 “(ii) the property address;

3 “(iii) the effective date of the ap-
4 praisal;

5 “(iv) the appraiser’s name;

6 “(v) the date of the request;

7 “(vi) a description of why the con-
8 sumer believes the appraisal report may be
9 unsupported, may be deficient due to an
10 unacceptable appraisal practice, or may re-
11 flect discrimination;

12 “(vii) any additional information,
13 data, including not more than 5 alternative
14 comparable properties and the related data
15 sources that the consumer would like the
16 appraiser to consider; and

17 “(viii) an explanation of why the new
18 information, data, or comparable prop-
19 erties support the reconsideration of value.

20 “(D) The creditor shall obtain the nec-
21 essary information from the consumer if the
22 consumer’s request for reconsideration of value
23 or subsequent appraisal is unclear or requires
24 more information.

1 “(E) The creditor shall have a standard-
2 ized format to communicate the reconsideration
3 of value to the appraiser, which format shall in-
4 clude—

5 “(i) the name of the borrower;

6 “(ii) the property address;

7 “(iii) the effective date of the ap-
8 praisal;

9 “(iv) the appraiser’s name;

10 “(v) the date of the request;

11 “(vi) a description of any area of the
12 appraisal report that may be unsupported,
13 may be deficient due to an unacceptable
14 appraisal practice, or may reflect discrimi-
15 nation;

16 “(vii) any additional information,
17 data, including not more than 5 alternative
18 comparable properties and the related data
19 sources that the consumer would like the
20 appraiser to consider;

21 “(viii) an explanation of why the new
22 information, data, or comparable prop-
23 erties support the reconsideration of value;

24 “(ix) a definition of turn-time expecta-
25 tions for the appraiser to communicate the

1 reconsideration of value results back to the
2 creditor;

3 “(x) instructions for delivering the re-
4 consideration of value response as part of
5 a revised appraisal report that includes
6 commentary on conclusions regardless of
7 the outcome; and

8 “(xi) a reference for appraisers on
9 how to correct minor appraisal issues or
10 non-material errors not related to the re-
11 consideration of value process.

12 “(3) SUBSEQUENT APPRAISAL AND REFER-
13 RAL.—

14 “(A) IN GENERAL.—If the creditor identi-
15 fies material deficiencies in the appraisal report
16 that are not corrected or addressed by the ap-
17 praiser upon request of the creditor, including
18 through a consumer-initiated reconsideration of
19 value, or if there is evidence of unsupported or
20 unacceptable appraisal practices, the creditor
21 shall—

22 “(i) at the request of the consumer,
23 order a subsequent appraisal at the credi-
24 tor’s own expense; and

1 “(ii) forward the appraisal report and
2 the creditor’s summary of findings to the
3 appropriate appraisal licensing agency or
4 regulatory board.

5 “(B) DISCRIMINATION.—If the creditor
6 has reason to believe that an appraisal report
7 reflects discrimination, the creditor shall—

8 “(i) order a subsequent appraisal, at
9 the creditor’s own expense;

10 “(ii) forward the appraisal report and
11 the creditor’s summary of findings to the
12 appropriate local, State, or Federal en-
13 forcement agency; and

14 “(iii) upon a final determination of
15 discrimination by the appropriate local,
16 State, or Federal enforcement agency, re-
17 ceive a reimbursement from the appraiser
18 covering the cost of the subsequent ap-
19 praisal ordered by the creditor.

20 “(C) DEFINITION.—

21 “(i) IN GENERAL.—Except as pro-
22 vided in clause (ii), in this paragraph, the
23 term ‘reason to believe’ means that the
24 creditor has reviewed the applicable law
25 and available evidence and determined that

1 a potential violation of Federal or state
2 antidiscrimination law exists. The available
3 evidence may include the appraisal report,
4 loan files, written communications, credible
5 observations by persons with direct knowl-
6 edge, statistical analysis, and the apprais-
7 er's response to the request for a reconsid-
8 eration of value.

9 “(ii) EXCEPTION.—The term ‘reason
10 to believe’ does not mean that there is a
11 final legal determination of discrimination.

12 “(4) DOCUMENT RETENTION.—The creditor
13 shall retain all documentation and written commu-
14 nications related to the request for reconsideration
15 of value or subsequent appraisal in the loan file dur-
16 ing the seven-year period beginning on the date on
17 which the consumer submitted the credit application.

18 “(5) RULE OF CONSTRUCTION.—This sub-
19 section is consistent with the exceptions to the ap-
20 praiser independence requirements found in Section
21 129E(c) of the Truth in Lending Act (15 U.S.C.
22 1639e(c)). Nothing in this subsection shall be con-
23 strued to require a creditor to submit a reconsider-
24 ation of value to the original appraiser before order-

1 ing a subsequent appraisal from a subsequent ap-
2 praiser.”.

3 (b) RULES AND INTERPRETATIVE GUIDELINES.—
4 Section 129E(g) of the Truth in Lending Act (15 U.S.C.
5 1639e(g)) is amended—

6 (1) in paragraph (1), by striking “paragraph
7 (2), the Board” and inserting “paragraphs (2) and
8 (3), the Bureau”; and

9 (2) by adding at the end the following:

10 “(3) FINAL RULE.—Not later than 1 year after
11 the date of enactment of this paragraph, the Federal
12 Housing Finance Agency shall issue a final rule
13 after notice and comment and issue such guidance
14 as may be necessary to carry out and enforce sub-
15 section (j).”.