

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 390 be amended to read as follows:

- 1 Page 8, between lines 39 and 40, begin a new paragraph and insert:
- 2 "SECTION 3. IC 24-9-3-10 IS ADDED TO THE INDIANA CODE
- 3 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
- 4 **UPON PASSAGE]: Sec. 10. A creditor who advertises a home loan**
- 5 **shall comply with the advertising requirements concerning credit**
- 6 **under 12 CFR 226.24 (Regulation Z of the Board of Governors of**
- 7 **the Federal Reserve System to implement the federal Truth in**
- 8 **Lending Act (15 U.S.C. 1601 et seq.)).**
- 9 SECTION 4. IC 24-9-4.5 IS ADDED TO THE INDIANA CODE
- 10 AS A **NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
- 11 **UPON PASSAGE]:**
- 12 **Chapter 4.5. Property Tax Disclosures for New Home**
- 13 **Construction**
- 14 **Sec. 1. This chapter applies to a home construction contract**
- 15 **entered into after June 30, 2007.**
- 16 **Sec. 2. As used in this chapter, "authority" refers to the Indiana**
- 17 **housing and community development authority created by**
- 18 **IC 5-20-1-3.**
- 19 **Sec. 3. As used in this chapter, "builder" has the meaning set**
- 20 **forth in IC 32-27-2-6.**
- 21 **Sec. 4. As used in this chapter, "home buyer" means a person**
- 22 **who enters into a home construction contract with a builder.**
- 23 **Sec. 5. As used in this chapter, "home construction contract"**
- 24 **means a contract:**

1 (1) that is entered into by a builder and a home buyer; and  
 2 (2) under which the builder agrees to construct a new home  
 3 that the home buyer will occupy:

4 (A) as a residence; and

5 (B) as the first occupant of the new home.

6 Sec. 6. As used in this chapter, "new home" means a new  
 7 dwelling occupied for the first time after construction.

8 Sec. 7. As used in this chapter, "prospective home buyer" means  
 9 a person who contemplates entering into a home construction  
 10 contract with a builder.

11 Sec. 8. (a) A builder may not enter into a home construction  
 12 contract with a prospective home buyer unless the builder first  
 13 gives the prospective home buyer a written notice containing an  
 14 estimate of the property taxes that:

15 (1) will be owed by the prospective home buyer with respect  
 16 to the new home that is the subject of the home construction  
 17 contract; and

18 (2) are based on an assessment of the new home made on the  
 19 first assessment date after the construction of the new home  
 20 is complete.

21 The estimate required by this section may not be based on an  
 22 assessment of unimproved real estate.

23 (b) A builder shall give the notice required by subsection (a) on  
 24 a form prescribed by the authority. The statement of the estimated  
 25 property taxes described in subsection (a) must be made in at least  
 26 sixteen (16) point font. The notice shall be signed in duplicate by  
 27 both the builder and the prospective home buyer. The builder  
 28 shall:

29 (1) give at least one (1) of the signed notices to the prospective  
 30 home buyer at the time of signing; and

31 (2) retain at least one (1) of the signed notices for the file  
 32 maintained in connection with the home construction  
 33 contract.

34 (c) The authority shall prescribe and make available to builders  
 35 the form described in subsection (b) not later than June 1, 2007.

36 SECTION 5. IC 24-9-4.6 IS ADDED TO THE INDIANA CODE  
 37 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 38 UPON PASSAGE]:

39 **Chapter 4.6. Educational Materials for At Risk Home Buyers**

40 **Sec. 1. As used in this chapter, "at risk home buyer" means a**  
 41 **person who:**

42 (1) has a credit score that is less than six hundred twenty  
 43 (620), as determined by one (1) or more consumer reporting  
 44 agencies (as defined in 15 U.S.C. 1681a(f)); and

45 (2) seeks to obtain a home loan from a creditor.

46 **Sec. 2. As used in this chapter, "authority" refers to the Indiana**  
 47 **housing and community development authority created by**

1 **IC 5-20-1-3.**

2 **Sec. 3. As used in this chapter, "credit score" has the meaning**  
3 **set forth in 15 U.S.C. 1681g(f)(2)(A).**

4 **Sec. 4. (a) As used in this chapter, "creditor" has the meaning**  
5 **set forth in IC 24-9-2-6.**

6 **(b) The term includes a builder (as defined in IC 32-27-2-6) that**  
7 **enters into a home loan with a borrower in Indiana.**

8 **Sec. 5. Not later than June 1, 2007, the authority shall prepare**  
9 **and make available to creditors written home ownership**  
10 **educational materials for use by at risk home buyers in Indiana.**

11 **Sec. 6. After June 30, 2007, a creditor may not enter into a home**  
12 **loan with an at risk home buyer unless the creditor first gives the**  
13 **at risk home buyer the educational materials prepared by the**  
14 **authority under section 5 of this chapter. The at risk home buyer**  
15 **shall sign a written acknowledgment that the at risk home buyer**  
16 **has received the educational materials. The acknowledgment shall**  
17 **be retained in the file maintained in connection with any home loan**  
18 **issued to the at risk home buyer by or on behalf of the creditor."**

19 Page 9, after line 32, begin a new paragraph and insert:

20 **"SECTION 7. An emergency is declared for this act."**

21 Renumber all SECTIONS consecutively.

(Reference is to ESB 390 as printed April 6, 2007.)

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Representative Murphy