

# SENATE BILL REPORT

## HB 2315

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As Reported by Senate Committee On:  
Financial Institutions & Insurance, February 24, 2016

**Title:** An act relating to the mortgage lending fraud prosecution account.

**Brief Description:** Addressing the expiration date of the mortgage lending fraud prosecution account.

**Sponsors:** Representatives Kirby, Blake and Stanford; by request of Department of Financial Institutions.

**Brief History:** Passed House: 2/03/16, 97-0.

**Committee Activity:** Financial Institutions & Insurance: 2/24/16, 2/24/16 [DP].

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### SENATE COMMITTEE ON FINANCIAL INSTITUTIONS & INSURANCE

**Majority Report:** Do pass.

Signed by Senators Benton, Chair; Angel, Vice Chair; Mullet, Ranking Minority Member; Fain, Hobbs, Litzow, Nelson, Pedersen and Roach.

**Staff:** Aldo Melchiori (786-7439)

**Background:** In 2003, legislation was enacted creating the Mortgage Lending Fraud Prosecution Account (Account), a specific fund to aid in the prosecution of consumer fraud in the mortgage lending process. The Account is administered by the Department of Financial Institutions (DFI). Funds for the Account are generated by a \$1 surcharge, assessed at the recording of a deed of trust. In order to defray the costs of collection, the county auditor may retain up to 5 percent of the funds collected. Once collected by a county, the funds must be transferred monthly to the State Treasurer who, in turn, must deposit the funds into the Account.

The DFI may use the Account to reimburse county prosecutors and/or the Office of the Attorney General (AG) for costs related to the investigation and prosecution of mortgage fraud cases. Reimbursable items include salaries, training costs for staff, and expenses related to investigation and litigation. The Director of the DFI or the Director's designee may authorize expenditures from the Account. The DFI is required to consult with the AG and local prosecutors in developing guidelines for the distribution of the funds, which are to be used to enhance law enforcement capabilities at both the state and local level.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The Account and the surcharge created in 2003 were originally set to expire on June 30, 2006, but the expiration date has been extended twice and currently expires on June 30, 2016.

**Summary of Bill:** The expiration date for the mortgage lending fraud prosecution account is extended from June 30, 2016 to June 30, 2021.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** There are no differences between this bill and the Senate companion bill. The bill supports prosecuting attorneys who prosecute this type of consumer fraud. It provides continuing funding to assist prosecutors in going after mortgage fraud activity in Washington.

**Persons Testifying:** PRO: Charles Clark, DFI; Jennifer Atchison, King County Prosecuting Attorney.

**Persons Signed In To Testify But Not Testifying:** No one.