

HOUSE No. 1049

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel J. Hunt

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act protecting consumers' privacy in mortgage applications.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>1/17/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>6/12/2023</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>6/23/2023</i>
<i>Adam Scanlon</i>	<i>14th Bristol</i>	<i>6/23/2023</i>
<i>Marcus S. Vaughn</i>	<i>9th Norfolk</i>	<i>6/23/2023</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>8/22/2023</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>8/22/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>8/22/2023</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>	<i>8/22/2023</i>

HOUSE No. 1049

By Representative Hunt of Boston, a petition (accompanied by bill, House, No. 1049) of Daniel J. Hunt relative to mortgage applications privacy. Financial Services.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act protecting consumers' privacy in mortgage applications.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 183 of the General Law, is hereby amended by adding the
2 following Section 70 to be entitled: “Consumer Privacy in Mortgage Applications”

3 Section 70 (a) "Mortgage trigger lead" means a consumer report obtained pursuant to
4 Section 604(c)(1)(B) of the federal Fair Credit Reporting Act, 15 USC 1681b, where the issuance
5 of the report is triggered by an inquiry made with a consumer reporting agency in response to an
6 application for credit. "Mortgage trigger lead" does not include a consumer report obtained by a
7 lender that holds or services existing indebtedness of the applicant who is the subject of the
8 report.

9 Section 70 (b) With regard to a solicitation of a consumer for a mortgage loan on
10 residential property as defined in Chapter 255E, section 1, which solicitation is based, in whole
11 or in part, on information contained in a mortgage trigger lead, the following shall be deemed an
12 unfair or deceptive act or practice as defined in Chapter 93A:

13 (i) the failure to clearly and conspicuously state in the initial phase of the solicitation that
14 the solicitor is not affiliated with the lender or broker with which the consumer initially applied,

15 (ii) the failure to clearly and conspicuously state in the initial phase of the solicitation that
16 the solicitation is based on personal information about the consumer that was purchased, directly
17 or indirectly, from a consumer reporting agency without the knowledge or permission of the
18 lender or broker with which the consumer initially applied,

19 (iii) the failure in the initial solicitation to comply with the provisions of the federal Fair
20 Credit Reporting Act relating to prescreening solicitations that use consumer reports, including
21 the requirement to make a firm offer of credit to the consumer, or

22 (iv) knowingly or negligently using information from a mortgage trigger lead (1) to
23 solicit consumers who have opted out of prescreened offers of credit under the federal Fair
24 Credit Reporting Act, or (2) to place telephone calls to consumers who have placed their contact
25 information on a federal or state Do Not Call list; and

26 Section 70(c): The Attorney General shall promulgate regulations effectuating this
27 provision.