

117TH CONGRESS  
1ST SESSION

# S. 2797

To establish a program to provide low- and moderate-income first-time, first-generation homebuyers with access to affordable and sustainable wealth-building home loans.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22 (legislative day, SEPTEMBER 21), 2021

Mr. WARNER (for himself, Mr. VAN HOLLEN, Mr. WARNOCK, Mr. KAINE, and Mr. OSSOFF) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

To establish a program to provide low- and moderate-income first-time, first-generation homebuyers with access to affordable and sustainable wealth-building home loans.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Low-Income First-  
5 Time Homebuyers Act of 2021” or the “LIFT Home-  
6 buyers Act of 2021”.

7 **SEC. 2. WEALTH-BUILDING HOME LOAN PROGRAM.**

8 (a) ESTABLISHMENT OF LIFT HOME FUNDS.—

1           (1) IN GENERAL.—There is established in each  
2           Loan Guarantee Agency a fund to be known as the  
3           LIFT HOME Fund, into which amounts made  
4           available under this section shall be deposited and  
5           which shall be used by each Department for carrying  
6           out the purposes of this section.

7           (2) MANAGEMENT OF FUND.—The LIFT  
8           HOME Fund of each Loan Guarantee Agency shall  
9           be administered and managed by the respective Sec-  
10          retary, who shall establish reasonable and prudent  
11          criteria for the management and operation of any  
12          amounts in the Fund.

13          (b) USE OF FUNDS.—

14           (1) TRANSFER OF AMOUNTS TO TREASURY.—  
15          Such portions of the amount made available to the  
16          Secretary of Housing and Urban Development under  
17          this section shall be transferred by the Secretary of  
18          Housing and Urban Development to the Department  
19          of the Treasury in an amount equal to, as deter-  
20          mined by the Secretary of the Treasury, in consulta-  
21          tion with the Secretary of Housing and Urban De-  
22          velopment—

23                   (A) the amount the Secretary of the Treas-  
24                   ury estimates to be necessary for the purchase  
25                   of securities under the Program during the pe-

1           riod for which the funds are intended to be  
2           available;

3           (B) the difference between—

4                 (i) the Secretary of the Treasury's re-  
5                 ceipts from the sale or other disposition of  
6                 securities acquired under the Program;  
7                 and

8                 (ii) the Secretary of the Treasury's  
9                 costs in purchasing such securities; and

10           (C) the Department of the Treasury's ad-  
11           ministrative expenses related to the Program.

12           (2) CREDIT SUBSIDY.—Such portion of the  
13           amount made available to each Secretary under this  
14           section as may be necessary may be used for the  
15           cost to the respective Loan Guarantee Agency of  
16           guaranteed loans under this section. Such costs, in-  
17           cluding the costs of modifying such loans, shall be  
18           as defined in section 502 of the Congressional Budg-  
19           et Act of 1974 (2 U.S.C. 661a).

20           (c) ESTABLISHMENT OF THE LIFT HOME PRO-  
21           GRAM.—Each Secretary shall establish, and carry out,  
22           with respect to any mortgage with a case number issued  
23           on or before December 31, 2025, that is subsequently in-  
24           sured or guaranteed by such Secretary, a program to  
25           make covered mortgage loans available to eligible home-

1 buyers to purchase a single-family residence for use as  
2 their principal residence (referred to in this section as the  
3 “Program”), under which—

4 (1) the Secretary of the Treasury—

5 (A) shall act as a purchaser, on behalf of  
6 the Secretary of Housing and Urban Develop-  
7 ment, of securities that are secured by covered  
8 mortgage loans;

9 (B) may designate financial institutions,  
10 including banks, savings associations, trust  
11 companies, security brokers or dealers, asset  
12 managers, investment advisers, and other insti-  
13 tutions and such institutions shall—

14 (i) perform all reasonable duties re-  
15 lated to this section as a financial agent of  
16 the United States as may be required; and

17 (ii) be paid for such duties using ap-  
18 propriations available to the Secretary of  
19 the Treasury to reimburse financial insti-  
20 tutions in their capacity as financial agents  
21 of the United States;

22 (C) may use the services of any agency or  
23 instrumentality of the United States or compo-  
24 nent thereof on a reimbursable basis, and any  
25 such agency or instrumentality or component

1           thereof is authorized to provide services as re-  
2           quested by the Secretary using all authorities  
3           vested in or delegated to that agency, instru-  
4           mentality, or component;

5           (D) may manage, and exercise any rights  
6           received in connection with, any financial in-  
7           struments or assets purchased or acquired pur-  
8           suant to the authorities granted under this sec-  
9           tion;

10          (E) may establish and use vehicles to pur-  
11          chase, hold, and sell financial instruments and  
12          other assets; and

13          (F) may issue such regulations and other  
14          guidance as may be necessary or appropriate to  
15          carry out the authorities or purposes of this  
16          section;

17          (2) each Secretary of a Loan Guarantee Agency  
18          shall—

19                 (A) establish pricing terms for covered  
20                 mortgage loans such that the covered mortgage  
21                 loans carry a monthly mortgage payment of  
22                 principal and interest that is not more than 110  
23                 percent and not less than 100 percent of the  
24                 monthly payment of principal, interest, and  
25                 periodic mortgage insurance premium or loan

1           guarantee fee associated with a newly origi-  
2           nated 30-year mortgage loan with the same  
3           loan balance insured or guaranteed by the Loan  
4           Guarantee Agency as determined by each Sec-  
5           retary, or such pricing terms as are determined  
6           by each Secretary to be necessary to develop li-  
7           quidity for securities backed by covered mort-  
8           gage loans and expand Program participation  
9           by eligible homebuyers; and

10           (B) establish an outreach and counseling  
11           program to increase stakeholder awareness of  
12           the Program; and

13           (3) the Secretary of Housing and Urban Devel-  
14           opment shall—

15           (A) in consultation with the Secretary of  
16           Treasury, establish the pricing terms for the  
17           purchase of securities guaranteed by the Asso-  
18           ciation secured by covered mortgage loans such  
19           that the covered mortgage loans carry a month-  
20           ly mortgage payment of principal and interest  
21           that is not more than 110 percent and not less  
22           than 100 percent of the monthly payment of  
23           principal, interest, and periodic mortgage insur-  
24           ance premium or loan guarantee fee associated  
25           with a newly originated 30-year mortgage loan

1 with the same loan balance insured or guaran-  
2 teed by the Loan Guarantee Agency, or such  
3 pricing terms as are determined by the Secre-  
4 taries to be necessary to develop liquidity for  
5 securities backed by covered mortgage loans  
6 and expand Program participation by eligible  
7 homebuyers;

8 (B) have the authority to designate mort-  
9 gage bankers, financial institutions, including  
10 banks, savings associations, trust companies,  
11 security brokers or dealers, asset managers, in-  
12 vestment advisers, and other institutions and  
13 such institutions shall—

14 (i) perform all reasonable duties re-  
15 lated to this section as an agent of the  
16 United States as may be required; and

17 (ii) be paid for such duties using ap-  
18 propriations available under this section to  
19 the Secretary of Housing and Urban De-  
20 velopment to reimburse these entities in  
21 their capacity as agents of the United  
22 States;

23 (C) have the authority to use the services  
24 of any agency or instrumentality of the United  
25 States or component thereof on a reimbursable

1 basis, and any such agency or instrumentality  
2 or component thereof is authorized to provide  
3 services as requested by the Secretary of Hous-  
4 ing and Urban Development using all authori-  
5 ties vested in or delegated to that agency, in-  
6 strumentality, or component;

7 (D) operate the Program in coordination  
8 with the Association, the Federal Housing Ad-  
9 ministration, the Rural Housing Service, and  
10 the Secretary of the Treasury so as to dem-  
11 onstrate feasibility and workability to market  
12 participants, including—

13 (i) originators and servicers of mort-  
14 gages;

15 (ii) issuers of mortgage-backed securi-  
16 ties; and

17 (iii) investors; and

18 (E) gain price discovery experience by in-  
19 structing the Secretary of the Treasury, fol-  
20 lowing consultation with the Secretary of Treas-  
21 ury to sell acquired securities described in sub-  
22 paragraph (A) as soon as practicable, thereby  
23 hastening the development of liquidity for secu-  
24 rities backed by covered mortgage loans.



1           (3) GNMA GUARANTEE AUTHORITY.—To carry  
2 out the purposes of this section, the Association may  
3 enter into new commitments to issue guarantees of  
4 securities based on or backed by mortgages insured  
5 under this section.

6           (4) GNMA GUARANTY FEE.—To carry out the  
7 purposes of this section, the Association may collect  
8 guaranty fees consistent with section 306(g)(1) of  
9 the National Housing Act (12 U.S.C. 1721(g)(1))  
10 that are paid at securitization.

11 (d) DEFINITIONS.—In this section:

12           (1) ASSOCIATION.—The term “Association”  
13 means the Government National Mortgage Associa-  
14 tion.

15           (2) COVERED MORTGAGE LOAN.—

16           (A) IN GENERAL.—The term “covered  
17 mortgage loan” means, for purposes of the Pro-  
18 gram established by the Secretary of Housing  
19 and Urban Development, a mortgage loan  
20 that—

21                   (i) is insured or guaranteed by the  
22 Federal Housing Administration pursuant  
23 to section 203(b) of the National Housing  
24 Act, subject to the eligibility criteria set  
25 forth in this subsection, and has a case

1 number issued on or before December 31,  
2 2025;

3 (ii) is made for an original term of 20  
4 years or for an original term determined  
5 by the Secretary to be necessary to develop  
6 liquidity for securities backed by covered  
7 mortgage loans and expand Program par-  
8 ticipation by eligible homebuyers;

9 (iii) subject to subparagraph (C) of  
10 this paragraph and notwithstanding sec-  
11 tion 203(b)(2)(C) of the National Housing  
12 Act (12 U.S.C. 1709(b)(2)(C)), has a  
13 mortgage insurance premium of not more  
14 than 4 percent of the loan balance that is  
15 paid at closing, financed into the principal  
16 balance of the loan, paid through an an-  
17 nual premium, or a combination thereof;

18 (iv) involves a rate of interest that is  
19 fixed over the term of the mortgage loan;  
20 and

21 (v) is secured by a single-family resi-  
22 dence that is the principal residence of an  
23 eligible homebuyer.

24 (B) The term “covered mortgage loan”  
25 means, for purposes of the Program established

1 by the Secretary of Agriculture, a loan guaran-  
2 teed under section 502(h) of the Housing Act  
3 of 1949 (42 U.S.C. 1472(h)) that—

4 (i) notwithstanding section  
5 502(h)(7)(A) of the Housing Act of 1949  
6 (42 U.S.C. 1472(h)(7)(A)), is made for an  
7 original term of 20 years or for an original  
8 term determined by the Secretary to be  
9 necessary to develop liquidity for securities  
10 backed by covered mortgage loans and ex-  
11 pand Program participation by eligible  
12 homebuyers; and

13 (ii) subject to subparagraph (C) of  
14 this paragraph and notwithstanding sec-  
15 tion 502(h)(8)(A) of the Housing Act of  
16 1949 (42 U.S.C. 1472(h)(8)(A)), has a  
17 loan guarantee fee of not more than 4 per-  
18 cent of the principal obligation of the loan.

19 (C) WAIVER OF MORTGAGE INSURANCE  
20 PREMIUM REQUIREMENT.—Each Secretary, in  
21 consultation with the Secretary of the Treasury,  
22 and notwithstanding section 502(h)(8)(A) of  
23 the Housing Act of 1949 (42 U.S.C.  
24 1472(h)(8)(A)) for purposes of the Program es-  
25 tablished by the Secretary of Agriculture, may

1 waive the mortgage insurance premium cap or  
2 loan guarantee fee cap under subparagraphs  
3 (A)(iii) and (B)(ii) with respect to covered  
4 mortgage loans insured or guaranteed by the  
5 Loan Guarantee Agency of which that Sec-  
6 retary is the head if necessary to protect the  
7 solvency of the associated insurance fund.

8 (3) DEPARTMENT.—Unless otherwise specified,  
9 the term “Department” means the Department of  
10 Housing and Urban Development or the Department  
11 of Agriculture, as appropriate.

12 (4) ELIGIBLE HOMEBUYER.—The term “eligible  
13 homebuyer” means an individual who—

14 (A) for purposes of the Program estab-  
15 lished by the Secretary of Housing and Urban  
16 Development—

17 (i) has an annual household income  
18 that is less than or equal to—

19 (I) 120 percent of median income  
20 for the area, as determined by the  
21 Secretary of Housing and Urban De-  
22 velopment for—

23 (aa) the area in which the  
24 home to be acquired using such  
25 assistance is located; or

1 (bb) the area in which the  
2 place of residence of the home-  
3 buyer is located; or

4 (II) if the homebuyer is acquiring  
5 an eligible home that is located in a  
6 high-cost area, 140 percent of the me-  
7 dian income, as determined by the  
8 Secretary, for the area within which  
9 the eligible home to be acquired using  
10 assistance provided under this section  
11 is located;

12 (ii) is a first-time homebuyer, as de-  
13 fined in paragraph (6) of this subsection;  
14 and

15 (iii) is a first-generation homebuyer as  
16 defined in paragraph (5) of this subsection;

17 (B) for purposes of the Program estab-  
18 lished by the Secretary of Agriculture—

19 (i) meets the applicable requirements  
20 in section 502(h) of the Housing Act of  
21 1949 (42 U.S.C. 1472(h)); and

22 (ii) is a first-time homebuyer as de-  
23 fined in paragraph (6) of this subsection  
24 and a first-generation homebuyer as de-  
25 fined in paragraph (5) of this subsection.

1           (5) FIRST-GENERATION HOMEBUYER.—The  
2 term “first-generation homebuyer” means a home-  
3 buyer that, as attested by the homebuyer, is—

4           (A) an individual—

5           (i) whose living parents or legal  
6 guardians do not, to the best of the indi-  
7 vidual’s knowledge, have any present fee  
8 simple ownership interest in a principal  
9 residence in any State, excluding owner-  
10 ship of heir property;

11           (ii) if no parents or legal guardians  
12 are living upon acquisition of the eligible  
13 home to be acquired using such assistance,  
14 to the best of the individual’s knowledge,  
15 whose parents or legal guardians did not  
16 have any ownership interest in a principal  
17 residence in any State at the time of their  
18 death, excluding ownership of heir prop-  
19 erty; and

20           (iii) whose spouse, or domestic part-  
21 ner has not, during the 3-year period end-  
22 ing upon acquisition of the eligible home to  
23 be acquired using such assistance, had any  
24 present ownership interest in a principal  
25 residence in any State, excluding owner-

1           ship of heir property, whether the indi-  
2           vidual is a co-borrower on the loan or not;  
3           or

4           (B) an individual who has at any time  
5           been placed in foster care or institutional care  
6           whose spouse or domestic partner has not, dur-  
7           ing the 3-year period ending upon acquisition of  
8           the eligible home to be acquired using such as-  
9           sistance, had any ownership interest in a prin-  
10          cipal residence in any State, excluding owner-  
11          ship of heir property, whether such individuals  
12          are co-borrowers on the loan or not.

13          (6) FIRST-TIME HOMEBUYER.—The term “first-  
14          time homebuyer” means a homebuyer as defined in  
15          section 104 of the Cranston-Gonzalez National Af-  
16          fordable Housing Act (42 U.S.C. 12704), except  
17          that ownership of heir property shall not be treated  
18          as owning a home for purposes of determining  
19          whether a borrower qualifies as a first-time home-  
20          buyer.

21          (7) HEIR PROPERTY.—The term “heir prop-  
22          erty” means residential property for which title  
23          passed by operation of law through intestacy and is  
24          held by two or more heirs as tenants in common.

1           (8) LOAN GUARANTEE AGENCY.—Unless other-  
2           wise specified, the term “Loan Guarantee Agency”  
3           means the Federal Housing Administration of the  
4           Department of Housing and Urban Development or  
5           the Rural Housing Service of the Department of Ag-  
6           riculture, as appropriate.

7           (9) SECRETARY.—Unless otherwise specified,  
8           the term “Secretary” means the Secretary of Hous-  
9           ing and Urban Development or the Secretary of Ag-  
10          riculture, as appropriate.

11          (e) RELIANCE ON BORROWER ATTESTATIONS.—No  
12          additional documentation beyond the borrower’s attesta-  
13          tion shall be required to demonstrate eligibility under  
14          paragraph (4) of subsection (e) and no State, eligible enti-  
15          ty, or creditor shall be subject to liability, including mone-  
16          tary penalties or requirements to indemnify a Federal  
17          agency or repurchase a loan that has been sold or  
18          securitized, based on the provision of assistance under this  
19          section to a borrower who does not meet the eligibility re-  
20          quirements under paragraph (4) of subsection (e) if the  
21          creditor does so in good faith reliance on borrower attesta-  
22          tions of eligibility required under such paragraph.

23          (f) IMPLEMENTATION.—The Secretary of Housing  
24          and Urban Development, the Secretary of Agriculture,  
25          and the Secretary of Treasury shall have authority to issue



1 such regulations or other notices, guidance, forms, in-  
2 structions, and publications as may be necessary or appro-  
3 priate to carry out the programs, projects, or activities au-  
4 thorized under this section, including to ensure that such  
5 programs, projects, or activities are completed in a timely  
6 and effective manner.

7 (g) AUTHORIZATION OF APPROPRIATIONS.—There  
8 are authorized to be appropriated to the Secretary of  
9 Housing and Urban Development and the Secretary of  
10 Agriculture such sums as may be necessary to carry out  
11 the LIFT HOME Program.

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