

SENATE JOINT RESOLUTION

1
2 proposing a constitutional amendment authorizing line-of-credit
3 advances under a reverse mortgage.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subsection (p), Section 50, Article XVI, Texas
6 Constitution, is amended to read as follows:

7 (p) The advances made on a reverse mortgage loan under which
8 more than one advance is made must be made according to the terms
9 established by the loan documents by one or more of the following
10 methods:

11 (1) an initial advance at any time and future advances
12 at regular intervals;

13 (2) an initial advance at any time and future advances
14 at regular intervals in which the amounts advanced may be reduced,
15 for one or more advances, at the request of the borrower; [~~or~~]

16 (3) an initial advance at any time and future advances
17 at times and in amounts requested by the borrower until the credit
18 limit established by the loan documents is reached;

19 (4) an initial advance at any time, future advances at
20 times and in amounts requested by the borrower until the credit
21 limit established by the loan documents is reached, and subsequent
22 advances at times and in amounts requested by the borrower
23 according to the terms established by the loan documents to the
24 extent that the outstanding balance is repaid; or

1 (5) at any time by the lender, on behalf of the
2 borrower, if the borrower fails to timely pay any of the following
3 that the borrower is obligated to pay under the loan documents to
4 the extent necessary to protect the lender's interest in or the
5 value of the homestead property:

6 (A) taxes;

7 (B) insurance;

8 (C) costs of repairs or maintenance performed by
9 a person or company that is not an employee of the lender or a person
10 or company that directly or indirectly controls, is controlled by,
11 or is under common control with the lender;

12 (D) assessments levied against the homestead
13 property; and

14 (E) any lien that has, or may obtain, priority
15 over the lender's lien as it is established in the loan documents.

16 SECTION 2. Section 50, Article XVI, Texas Constitution, is
17 amended by adding Subsection (v) to read as follows:

18 (v) A reverse mortgage must provide that:

19 (1) the owner does not use a credit card, debit card,
20 preprinted solicitation check, or similar device to obtain an
21 advance;

22 (2) after the time the extension of credit is
23 established, no transaction fee is charged or collected solely in
24 connection with any debit or advance; and

25 (3) the lender or holder may not unilaterally amend
26 the extension of credit.

27 SECTION 3. This proposed constitutional amendment shall be

1 submitted to the voters at an election to be held November 8, 2005.
2 The ballot shall be printed to permit voting for or against the
3 proposition: "The constitutional amendment authorizing
4 line-of-credit advances under a reverse mortgage."

David Newhurst
President of the Senate

Jim Caddick
Speaker of the House

I hereby certify that S.J.R. No. 7 was adopted by the Senate on March 3, 2005, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 9, 2005, by the following vote: Yeas 31, Nays 0.

Latsy Spaw
Secretary of the Senate

I hereby certify that S.J.R. No. 7 was adopted by the House, with amendment, on May 2, 2005, by the following vote: Yeas 142, Nays 0, three present not voting.

Robert Haney
Chief Clerk of the House

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9:45 AM O'CLOCK
MAY 11 2005

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SECRETARY OF STATE
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MAY 11 2005
Roger Williams
Secretary of State