

2007 -- H 5545

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

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A N A C T

RELATING TO PROPERTY -- MORTGAGES OF REAL PROPERTY

Introduced By: Representatives Ucci, Mattiello, Lima, Gablinske, and Almeida

Date Introduced: February 28, 2007

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 34-23-5 of the General Laws in Chapter 34-23 entitled "Mortgages  
2 of Real Property" is hereby amended to read as follows:

3 **34-23-5. Prepayment of mortgage loans.** -- (a) Every bank, trust company, loan  
4 company, building-loan association, credit union, finance company and other person(s) making a  
5 loan or loans secured by a mortgage or mortgages on real estate located in Rhode Island  
6 containing thereon dwelling houses of not more than four (4) dwelling units shall provide in the  
7 mortgage note, and in any event the loan or loans shall be upon the condition that the full  
8 payment of mortgage may be made at any time ~~after one year~~ from the making of the loan  
9 without penalty. ~~provided further, that during the first year, penalty or other charges for~~  
10 ~~prepayment shall not exceed two percent (2%) of the balance due at date of the pay-off.~~ If interest  
11 or other charges in connection with the loan or loans shall have been prepaid or included in the  
12 face of the mortgage, the holder thereof shall rebate the interest or other charges under regulations  
13 promulgated by the director of the department of business regulation.

14 (b) Alternatively a bank, trust company, loan company, building-loan association, credit  
15 union, finance company and other person(s) making a nonpurchase money loan or loans secured  
16 by a mortgage or mortgages on real estate located in Rhode Island containing on it dwelling  
17 houses of not more than four (4) dwelling units, may impose a prepayment penalty or other  
18 similar charges for the prepayment of a mortgage loan notwithstanding the prepayment penalty  
19 limitation imposed in subsection (a), but only if:

1           (1) The terms, conditions and amount of the prepayment penalty or other similar charges  
2 are prominently and conspicuously disclosed in writing to the borrower;

3           (2) The borrower agrees and consents to be bound by these terms and conditions; and

4           (3) Provided no prepayment penalty shall be imposed for any prepayment occurring  
5 more than sixty (60) months after the date of such loan.

6           (c) Any bank, trust company, loan company, building-loan association, credit union,  
7 finance company or other lender that chooses to offer a mortgage product pursuant to subsection  
8 (b) shall have available a similar mortgage product that complies with the limitations set forth in  
9 subsection (a) and all applicable federal regulations.

10           (d) Any prepayment penalty imposed under this section shall not be construed as interest  
11 under the provisions of section 6-26-2.

12           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would allow the full payment of mortgage loans to be made at any time without  
2 penalty.

3           This act would take effect upon passage.

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