

118TH CONGRESS  
1ST SESSION

# H. R. 2397

To clarify that eligibility of certain mortgages with Federal credit enhancement may not be conditioned on the status of a mortgagor as a DACA recipient if all other eligibility criteria are satisfied, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2023

Mr. VARGAS (for himself, Mr. AGUILAR, and Ms. GARCIA of Texas) introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

To clarify that eligibility of certain mortgages with Federal credit enhancement may not be conditioned on the status of a mortgagor as a DACA recipient if all other eligibility criteria are satisfied, and for other purposes.

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 “Homeownership for  
5 DREAMers Act”.

1 **SEC. 2. DACA RECIPIENT ELIGIBILITY.**

2 (a) FHA.—Section 203 of the National Housing Act  
3 (12 U.S.C. 1709) is amended by inserting after subsection  
4 (h) the following:

5 “(i) **DACA RECIPIENT ELIGIBILITY.**—

6 “(1) **IN GENERAL.**—The Secretary may not—

7 “(A) prescribe terms that limit the eligi-  
8 bility of a single family mortgage for insurance  
9 under this title because of the status of the  
10 mortgagor as a DACA recipient; or

11 “(B) issue any limited denial of participa-  
12 tion in the program for such insurance because  
13 of the status of the mortgagor as a DACA re-  
14 cipient.

15 “(2) **DACA RECIPIENT DEFINED.**—For the  
16 purposes of this subsection, the term ‘DACA recipi-  
17 ent’ means an alien who, at any time before, on, or  
18 after the date of the enactment of this subsection,  
19 is or was in deferred action status pursuant to the  
20 Deferred Action for Childhood Arrivals (‘DACA’)  
21 Program announced by the Secretary of Homeland  
22 Security on June 15, 2012.

23 “(3) **EXEMPTION.**—

24 “(A) **DENIAL FOR FAILURE TO SATISFY**  
25 **VALID ELIGIBILITY REQUIREMENTS.**—Nothing  
26 in this title prohibits the denial of insurance

1 based on failure to satisfy valid eligibility re-  
2 quirements.

3 “(B) INVALID ELIGIBILITY REQUIRE-  
4 MENTS.—Valid eligibility requirements do not  
5 include criteria that were adopted with the pur-  
6 pose of denying eligibility for insurance because  
7 of race, color, religion, sex, familial status, na-  
8 tional origin, disability, or the status of a mort-  
9 gator as a DACA recipient.”.

10 (b) RURAL HOUSING SERVICE.—Section 501 of the  
11 Housing Act of 1949 (42 U.S.C. 1472) is amended by  
12 adding at the end the following:

13 “(k) DACA RECIPIENT ELIGIBILITY.—

14 “(1) IN GENERAL.—The Secretary may not  
15 prescribe terms that limit eligibility for a single fam-  
16 ily mortgage made, insured, or guaranteed under  
17 this title because of the status of the mortgator as  
18 a DACA recipient.

19 “(2) DACA RECIPIENT DEFINED.—For the  
20 purposes of this paragraph, the term ‘DACA recipi-  
21 ent’ means an alien who, at any time before, on, or  
22 after the date of the enactment of this paragraph,  
23 is or was in deferred action status pursuant to the  
24 Deferred Action for Childhood Arrivals (‘DACA’)

1 Program announced by the Secretary of Homeland  
2 Security on June 15, 2012.”.

3 (c) FANNIE MAE.—Section 302(b) of the National  
4 Housing Act (12 U.S.C. 1717(b)) is amended by adding  
5 at the end the following:

6 “(8) DACA RECIPIENT ELIGIBILITY.—

7 “(A) IN GENERAL.—The corporation may  
8 not condition purchase of a single-family resi-  
9 dence mortgage by the corporation under this  
10 subsection on the status of the borrower as a  
11 DACA recipient.

12 “(B) DACA RECIPIENT DEFINED.—For  
13 the purposes of this paragraph, the term  
14 ‘DACA recipient’ means an alien who, at any  
15 time before, on, or after the date of the enact-  
16 ment of this paragraph, is or was in deferred  
17 action status pursuant to the Deferred Action  
18 for Childhood Arrivals (‘DACA’) Program an-  
19 nounced by the Secretary of Homeland Security  
20 on June 15, 2012.”.

21 (d) FREDDIE MAC.—Section 305(a) of the Federal  
22 Home Loan Mortgage Corporation Act (12 U.S.C. 1454)  
23 is amended by adding at the end the following:

24 “(6) DACA RECIPIENT ELIGIBILITY.—

1           “(A) IN GENERAL.—The Corporation may  
2 not condition purchase of a single-family resi-  
3 dence mortgage by the corporation under this  
4 subsection on the status of the borrower as a  
5 DACA recipient.

6           “(B) DACA RECIPIENT DEFINED.—For  
7 the purposes of this subsection, the term  
8 ‘DACA recipient’ means an alien who, at any  
9 time before, on, or after the date of the enact-  
10 ment of this subsection, is or was in deferred  
11 action status pursuant to the Deferred Action  
12 for Childhood Arrivals (‘DACA’) Program an-  
13 nounced by the Secretary of Homeland Security  
14 on June 15, 2012.”.

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