

112TH CONGRESS  
1ST SESSION

# H. R. 3619

To permanently extend the Protecting Tenants at Foreclosure Act of 2009 and establish a private right of action to enforce compliance with such Act.

---

## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 8, 2011

Mr. ELLISON (for himself and Mr. STARK) introduced the following bill; which was referred to the Committee on Financial Services

---

## A BILL

To permanently extend the Protecting Tenants at Foreclosure Act of 2009 and establish a private right of action to enforce compliance with such Act.

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 “Permanently Pro-  
5 tecting Tenants at Foreclosure Act of 2011”.

6 **SEC. 2. REPEAL OF SUNSET PROVISION.**

7 Section 704 of the Protecting Tenants at Foreclosure  
8 Act of 2009 (12 U.S.C. 5201 note; 12 U.S.C. 5220 note;  
9 42 U.S.C. 1437f note) is hereby repealed.

1 **SEC. 3. PRIVATE RIGHT OF ACTION.**

2 The Protecting Tenants at Foreclosure Act of 2009,  
3 as amended by section 2 of this Act, is further amended  
4 by adding at the end the following new section:

5 **“SEC. 704. PRIVATE RIGHT OF ACTION.**

6 “(a) **RIGHT OF ACTION.**—Any person aggrieved by  
7 a violation referred to in subsection (b) may bring a civil  
8 action in a court of competent jurisdiction for damages  
9 resulting from such violation, and may obtain other appro-  
10 priate relief, including equitable relief. If the plaintiff pre-  
11 vails in any such action, the court shall award the plaintiff  
12 any litigation costs reasonably incurred, together with rea-  
13 sonable attorneys’ fees and reasonable expert witness fees,  
14 as determined by the court.

15 “(b) **VIOLATION.**—A violation referred to in this sub-  
16 section is a violation of—

17 “(1) section 702 of this title; or

18 “(2) the matter in subparagraph (C) or (F) of  
19 section 8(o)(7) of the United States Housing Act of  
20 1937 (42 U.S.C. 1437f(o)(7)) that was added by the  
21 amendments made by section 703 of this title”.

○