(I) 5 YEARS HAVE PASSED FROM THE DATE OF THE LOAN; OR

(II) THE FINANCIAL CIRCUMSTANCES OF THE BORROWER HAVE CHANGED AND THE BORROWER NO LONGER WOULD QUALIFY AS AN ORIGINAL BORROWER UNDER THE PROGRAM.

(3) IF A BORROWER VIOLATES § 13-317 OF THIS SUBTITLE, THE DEPARTMENT IMMEDIATELY MAY ACCELERATE THE MATURITY.

REVISOR'S NOTE: This subsection is new language derived without substantive change from the second and third sentences of Art. 41, § 266FF-2(d)(3) and the second sentence of § 266FF-3.

In paragraph (3) of this subsection, the present phrase that excludes the status of the criminal prosecution as a factor in permitting acceleration is deleted as unnecessary.

The present term "preferred" modifying "interest rate" is deleted as misleading. The Department may set a new preferred interest rate periodically, while this subsection refers to modification of an interest rate set in an existing mortgage.

(C) ADDITIONAL INFORMATION.

TO DETERMINE WHETHER TO INCREASE THE INTEREST RATE OR ACCELERATE MATURITY, THE DEPARTMENT, ON A CONTINUING BASIS, MAY REQUIRE ANY INFORMATION FROM OR RELATING TO THE BORROWER, INCLUDING CERTIFIED COPIES OF STATE INCOME TAX RETURNS.

REVISOR'S NOTE: This subsection is new language derived without substantive change from the last sentence of Art. 41, § 266FF-2(d)(3).

The terms "certified" and "State" are added to the reference to copies of income tax returns to conform to the provisions of § 13-312(a) of this subtitle.

13-316. ENFORCEMENT.

A MORTGAGE SHALL INCLUDE THE RIGHT OF THE DEPARTMENT TO:

(1) FORECLOSE THE MORTGAGE AND AT FORECLOSURE:

(I) TAKE TITLE TO THE PROPERTY FORECLOSED ON; OR

(II) CONVEY TITLE TO A BUYER; AND