

June 2, 2020

Hon. Steven Mnuchin
Secretary
Department of the Treasury
1500 Pennsylvania Ave, NW
Washington, DC 20220

Hon. Mark Calabria
Director
Federal Housing Finance Agency
400 7th St SW
Washington, DC 20024

Hon. Benjamin S. Carson
Secretary
Department of Housing and Urban Development
451 7th St SW
Washington, DC 20410

Hon. Kathy Kraninger
Director
Consumer Financial Protection Bureau
1700 G St NW
Washington, DC 20552

Dear Sirs/Madame:

The undersigned consumer advocacy, civil rights, and mortgage and housing industry groups thank you for the prompt and responsive action to create a single public-facing portal to provide information to consumers on mortgage and rental relief options available during the COVID-19 National Emergency. The new site, www.cfpb.gov/housing, consolidates reliable information for consumers, an objective that our organizations promoted in our previous letter to you.

We want to commend you for developing a website that links and consolidates information on COVID-related housing resources from several Federal departments into one location. It is easy to navigate and well-organized. The language is generally consumer-friendly and easy to understand. The section on scam prevention is particularly important and we appreciate the inclusion of this material as well as the links to HUD-approved housing counseling agencies and links for consumers to understand whether their mortgage is federally-backed and therefore subject to the CARES Act.

With this letter, we are accepting your invitation to provide constructive feedback, based on our experience working with consumers facing housing challenges related to the pandemic. Please find below some suggestions as you continue to improve the site and add features.

Our recommendations are categorized to emphasize our rationale for the changes we propose. We suspect many of these suggested changes may already be underway, and we hope they can be integrated as soon as possible.

Suggestions to Enhance the Visibility of the Site/Key Information & Improve Accessibility

- **Add search optimization features.** The site appears sixth on a search of “COVID housing assistance” and does not appear on the first three pages of search results for “COVID mortgage problem.” Other CFPB webpages do appear but do not yet link to the new site (such as the April 24 blog post).
- **Prominently link to and from HUD, FHFA, USDA, VA and the White House COVID relief pages.**
- **Make the “Learn About” section pop even more.** Those three options are key portals. Each should open a separate page.

- **Reference COVID-19 on each page within the website** for search optimization; each page should have a date showing the last update and should include a link to the CFPB’s “Submit a Complaint” page.
- **Translate the page into** the top eight non-English languages and include buttons so the reader can go directly to the translated COVID pages. We would also suggest creating flyer versions in multiple languages so that we can reach consumers who do not have access to the internet. In addition, point them to a housing counselor with a HUD approved agency who can assist with other languages.
- **Consider simpler terminology.** For example, other CFPB pages discuss concerns about paying your mortgage rather than mortgage relief. Consider explaining that Fannie and Freddie are GSEs, or eliminate the term GSE altogether and simply say “federally-backed loans” since the distinction between agency loans and GSE-backed loans is largely irrelevant in this context.
- **Include references and links to HUD approved housing counseling agencies on additional pages** (such as “Learn about mortgage relief”), not just on the main page sidebar. Many of us did not see the references on the first pass through the website.

Suggestions for Clarification to Existing Information:

- **Addition to "Ask these questions" section.** In addition to recommending that borrowers ask about repayment options at the end of a forbearance, it would be useful to recommend that they ask if there are any restrictions on repayment options. For borrowers who do not have federally backed loans, it is critical that they know up- front if full repayment, under a “lump sum” reinstatement or a short-term repayment plan that effectively increases the monthly payment for a period of time are their only options, due to investor restrictions.
- **Forbearance period.** Loans covered by the CARES Act are eligible (not “may be eligible”) for up to a total of 360 days of forbearance. The servicer may require the borrower to make renewable requests in smaller increments. Please be clear in every instance that the borrower is entitled to 360 days of forbearance. Also note that the borrower can make payments during forbearance and the forbearance will not be terminated.
- **Lump sum payments.** The text should address explicitly that for mortgages covered by the CARES Act, borrowers who were current prior to the forbearance will not be required to make a full repayment, via a lump sum, immediately at the end of the forbearance period. Full repayment is considered only when a borrower has sufficient funds on-hand to repay the total amount of the missed payments due.
- **Taxes and Insurance.** The section discussing property charges is somewhat confusing as written. Consider revising to clarify that (1) the servicer should continue to pay property taxes and insurance if a borrower is escrowed for these charges (use of passive voice makes this unclear); and (2) HOA and condo fees must be paid by the borrower whether or not there is an escrow impound for property taxes and insurance (the current version implies that borrowers who are not escrowed do not have to keep paying these charges themselves).

Suggestions for Helpful New Content:

- **Borrower Rights issues.** The list of questions to ask your servicer should be accompanied by a list of borrower rights, identifying prohibited practices under the CARES Act and under existing CFPB mortgage servicing guidelines. This page should also encourage borrowers to reach out directly to servicers with any concerns or complaints, which could also link to the CFPB’s “Submit a Complaint” page for the borrower to access if these are not adequately addressed by the servicer.

- **Anti-Discrimination Information.** Consider adding a section about discrimination, protected classes, how to find a fair housing organization, and how to file a discrimination complaint using this link: https://www.hud.gov/program_offices/fair_housing_equal_opp/contact_fhip
- **Credit reporting.** This is an area of confusion under the CARES Act; consider a section addressing the prohibition on negative credit reporting during the forbearance period and other common issues.

Suggestions for Reorganization of Renter Sections:

- **Change the Flow of the Renter Pages / Content:** Put the eviction moratorium information first. Organize the material by Federal requirements, and then state and local eviction prohibitions (rather than jumping). This section could be easier to navigate. If possible, link to FAQs on HUD's site. Note that the information on public housing only includes information on Indian Housing, which should perhaps be a separate section.

Thank you again for the hard work that went into this website.

Sincerely,

Americans for Financial Reform Education Fund
Center for Responsible Lending
Consumer Federation of America
Homeownership Preservation Foundation
HOPE NOW
Housing Partnership Network
Housing Policy Council
National Association of REALTORS®
National Community Reinvestment Coalition
National Consumer Law Center on behalf of our low income clients
National Fair Housing Alliance
National Foundation for Credit Counseling (NFCC)
National Housing Conference
National Housing Law Project
National Housing Resource Center
National NeighborWorks Association
Northwest Side Housing Center
UnidosUS