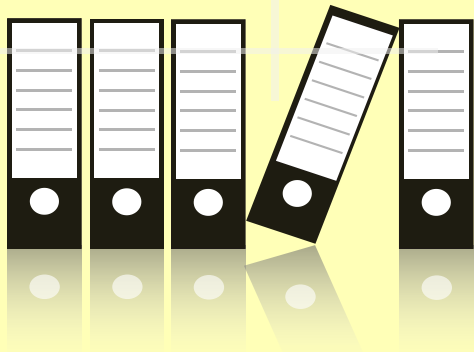


RESPA MORTGAGE SERVICING TEMPORARY PROCEDURAL SAFEGUARDS - CHECKLIST -



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09/29/2021

RESPA and Mortgage Servicing

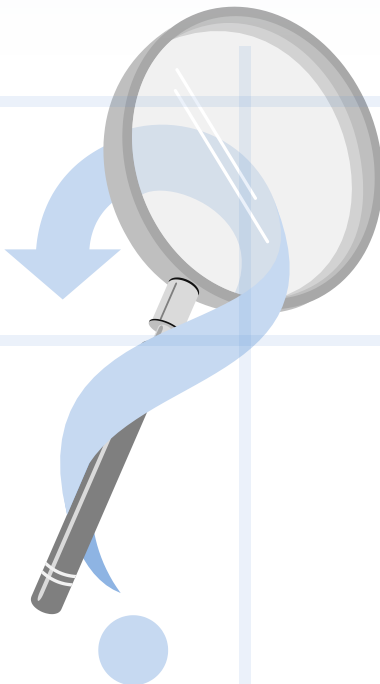
The Consumer Financial Protection Bureau (CFPB) issued a final rule in 2021 to amend Regulation X, which implements RESPA. The 2021 final rule implemented mortgage servicing-related protections for borrowers affected by the COVID-19 emergency. These protections included temporary procedural safeguards related to foreclosure referrals.

Coverage – The 2021 Mortgage Servicing COVID-19 Rule generally has the same coverage requirements as the Mortgage Servicing Rules. The 2021 Rule only applies to a mortgage loan secured by the borrower’s principal residence, and as such, generally does not apply to investment properties or second homes. The 2021 Rule does not apply to reverse mortgages, as defined by the Mortgage Servicing Rules. Similarly, small servicers, as defined in the Rules, are generally not subject to the new requirements. **CFPB Executive Summary of the 2021 Rule**

Reg. X, 12 CFR 1024.41(f) addresses prohibitions on foreclosure referrals. This includes temporary special COVID-19 loss mitigation procedural safeguards, which apply from August 31, 2021, through December 31, 2021, unless an exception applies, before referring certain 120-day delinquent accounts for foreclosure.

Checklist

Procedural Safeguard Review



Regulations and/or supervisory guidance should be consulted for additional information related to definitions, detailed specifics, exemptions and clarifications.

Procedural Safeguard Review

Institution: _____

Borrower: _____

Loan #: _____

Loan Date: _____

Loan Amount: _____

Delinquency Information –

Did the borrower's mortgage loan obligation become more than 120 days delinquent on or after March 1, 2020? Yes ___ No ___

Will the statute of limitations applicable to the foreclosure action being taken in the laws of the State where the property securing the mortgage loan is located expire on or after January 1, 2022? Yes ___ No ___

Procedural Safeguards – *If the responses to both abovementioned questions was yes, ensure that at least one of the three following procedural safeguards has been met:*

- ___ **Complete Loss Mitigation Application** - The borrower submitted a complete loss mitigation application, remained delinquent at all times since submitting the application, and RESPA (paragraph 1024.41 (f)(2)) permitted the servicer to make the first notice or filing required for foreclosure.
- ___ **Abandoned Property** - The property securing the mortgage loan is abandoned according to the laws of the State or municipality where the property is located when the servicer makes the first notice or filing required by applicable law for any judicial or non-judicial foreclosure process.
- ___ **Unresponsive Borrower** - The servicer did not receive any communications from the borrower for at least 90 days before the servicer makes the first notice or filing required by applicable law for any judicial or non-judicial foreclosure process and all of the following conditions were met:
 - ___ Good faith efforts to establish live contact were made with the borrower after each payment due date, as required by RESPA, during the 90-day period before first notice or filing required by applicable law
 - ___ Required RESPA written notice (1024.39(b)) was sent at least 10 days and no more than 45 days before making first notice or filing required by applicable law
 - ___ Required RESPA written notices (1024.41), as applicable, were sent during the 90-day period before making first notice or filing required by applicable law
 - ___ The borrower's forbearance program, if applicable, ended at least 30 days before making first notice or filing required by applicable law

Completion / Exceptions:

Completed By:		Exceptions. The temporary procedural safeguards are not required if: <ul style="list-style-type: none">• The foreclosure referral occurs (as permitted by applicable law) on or after January 1, 2022.• The borrower was more than 120 days delinquent prior to March 1, 2020.• The applicable statute of limitations will expire before January 1, 2022.
Completion Date:		
Notes:		

Evidence of compliance with a procedural safeguard may be attached to this checklist.