



MORTGAGE BANKERS ASSOCIATION

June 9, 2017

Office of Housing and Regulatory Policy
Federal Housing Finance Agency
400 7th Street, SW, 9th Floor
Washington, D.C. 20219

RE: Improving Language Access in Mortgage Lending and Servicing

To Whom It May Concern:

The Mortgage Bankers Association (MBA)¹ appreciates the opportunity to respond to the Federal Housing Finance Agency (FHFA) Request for Input (RFI) on issues facing qualified mortgage borrowers with Limited English Proficiency (LEP) throughout the mortgage life cycle process. However, given the importance of this subject, as well as the breadth of issues to be considered, MBA respectfully urges FHFA to extend the deadline for written input an additional 45 days, at minimum.

MBA's members are committed to ensuring that LEP borrowers have access to mortgage credit and the opportunities provided by homeownership. As FHFA notes in its RFI, the number of LEP individuals and their share of the population have grown over the past few decades and this trend is likely to continue. The ability to adequately address the challenges faced by LEP borrowers will therefore play a significant role in how the industry serves the mortgage market for the foreseeable future.

We recognize LEP borrowers face significant challenges, including a complex origination transaction and, in some cases, relatively complex loss mitigation options. Although all borrowers face these challenges at some level, the question is how best to make the process more comprehensible to those borrowers who also have difficulties due to language barriers.

¹ The Mortgage Bankers Association (MBA) is the national association representing the real estate finance industry, an industry that employs more than 280,000 people in virtually every community in the country. Headquartered in Washington, D.C., the association works to ensure the continued strength of the nation's residential and commercial real estate markets; to expand homeownership; and to extend access to affordable housing to all Americans. MBA promotes fair and ethical lending practices and fosters professional excellence among real estate finance employees through a wide range of educational programs and a variety of publications. Its membership of over 2,200 companies includes all elements of real estate finance: mortgage companies, mortgage brokers, commercial banks, thrifts, REITs, Wall Street conduits, life insurance companies and others in the mortgage lending field. For additional information, visit MBA's website: www.mba.org.

We believe a thorough review should afford time to carefully consider these challenges, the resources available to address them, and the approaches that are most effective while balancing cost and capacity considerations.

In developing our comments, we plan to engage our diverse task force of lenders, investors, and servicers to identify both potential obstacles for LEP borrowers and potential solutions that can be applied throughout the mortgage life cycle process. Additional time would allow for higher-quality and more carefully considered responses from this group and the public.

The RFI wisely confirms that efforts undertaken by FHFA and Fannie Mae and Freddie Mac (the Enterprises) will be “multi-year” in nature. We strongly agree that a transition to new approaches should not be unduly rushed.

Finally, the industry is currently engaged with FHFA and other regulators on a number of important issues that affect lenders, borrowers, and other market participants. Many of these issues are also the subject of open comment periods, including the Enterprises’ proposed Underserved Markets Plans under FHFA’s Duty to Serve program, HUD’s proposal to implement its Loan Review System, and CFPB’s review of its RESPA Mortgage Servicing rule and Ability to Repay/Qualified Mortgage rule—all of which maintain July deadlines.² Given limited resources, we are concerned that a shorter period of comment for the RFI will compromise our ability to provide thoughtful responses.

Again, MBA greatly appreciates the opportunity to respond to the RFI, and is committed to working closely with FHFA and the Enterprises to help identify and address the challenges unique to LEP borrowers. For the reasons outlined above, we would greatly appreciate an extension of time to respond.

Should you have questions or wish to discuss this request, please contact me or Ken Markison, Vice President and Regulatory Counsel, at (202) 557-2930 or kmarkison@mba.org, Justin Wiseman, Director of Loan Administration Policy, at (202) 557-2854 or jwiseman@mba.org, or Dan Fichtler, Associate Director of Secondary and Capital Markets, at (202) 557-2780 or dfichtler@mba.org.

² For further information, see: <https://www.fhfa.gov/PolicyProgramsResearch/Programs/Pages/Duty-to-Serve.aspx>; <https://www.federalregister.gov/documents/2017/06/08/2017-11935/privacy-act-of-1974-system-of-records-loan-review-system-lrs>; <https://www.consumerfinance.gov/policy-compliance/notice-opportunities-comment/open-notices/request-information-regarding-2013-respa-servicing-rule-assessment/>; and <https://www.federalregister.gov/documents/2017/06/01/2017-11218/request-for-information-regarding-ability-to-repayqualified-mortgage-rule-assessment>.

Sincerely,

A handwritten signature in black ink, appearing to read "Pete Mills". The signature is fluid and cursive, with the first name "Pete" being more prominent than the last name "Mills".

Pete Mills
Senior Vice President
Residential Policy and Member Engagement