



MORTGAGE BANKERS ASSOCIATION



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**RE: Request for Policy Clarification and Exception Path for Federally and State Regulated Reverse Mortgage Advertising**

The undersigned represent a group of reverse mortgage lenders, marketing agencies, and compliance professionals operating under the strict regulatory framework governing Home Equity Conversion Mortgages (HECMs) and proprietary reverse mortgage loans. HECMs are an age-restricted federal loan product regulated by the U.S. Department of Housing and Urban Development (HUD) and insured by the Federal Housing Administration (FHA). Additionally, there are state regulatory frameworks that permit age-restricted reverse mortgage products in addition to HECMs generally referred to as “proprietary reverse mortgage loans”. We refer to such age-restricted federally and state regulated mortgage loans products, collectively, as “age-restricted reverse mortgage loans”.

We respectfully submit this joint request for reconsideration or clarification of how [Google’s Sensitive Interest Categories policy](#) is applied to our age-restricted mortgage loans, particularly on platforms such as YouTube and Google Ads.

**Why We’re Contacting You**

While the Equal Credit Opportunity Act (ECOA) generally prohibits creditors from discriminating against applicants on the basis of age, it includes exceptions that permit certain age-based financial products. In particular, ECOA and its implementing regulation allow for “special purpose credit programs” designed to benefit a special class of persons, such as older adults, without violating the law as a “credit assistance program expressly authorized by federal or state law.”<sup>1</sup> One notable example, among others, are HECMs which are only available to U.S. homeowners age 62 and older by federal law<sup>2</sup>. This is not a marketing choice — it is a core legal requirement of the product that makes it compliant with federal anti-discrimination statutes.

Similarly, proprietary reverse mortgage loans may only be available in states that authorize and regulate them when made to homeowners meeting state-specified minimum age

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<sup>1</sup> See 15 U.S.C. §1691(c)(3) and 12 CFR §1002.8.

<sup>2</sup> See Section 255 of the National Housing Act (12 USC §1715z-20) and 12 CFR §1002.6(b)(2)(iv)

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requirements. In Washington state, for example, one “may not make a reverse mortgage loan to any Washington state resident unless that resident is a minimum of sixty years of age as of the date of execution of the loan.”<sup>3</sup> Other states have similar age-restrictions applicable to proprietary reverse mortgage loans or, if otherwise permissible, lenders offering them limit their availability to borrowers generally 55 years or older.

Accordingly, age-restricted mortgage loans may be lawfully made. Unfortunately, recent enforcement of the Sensitive Interest Category policy now blocks us from targeting or reaching the legally eligible audience that would benefit from these government authorized products, even when:

- Our members use compliant language and disclaimers;
- Our members limit direct age targeting and rely on contextual signals (e.g., retirement content);
- Our members attempt to serve educational or informational content via first-party or zero-party data.

This has led to widespread disapprovals, account flags, and limited access to Google’s advertising ecosystem for an entire class of licensed, regulated businesses.

### **Our Request**

We respectfully ask that Google consider:

- Creating a policy exception pathway for age-restricted reverse mortgage loans such as HECMs and proprietary reverse mortgage loans, as well as other special purpose credit programs, such as senior-eligible Home Equity Lines of Credit;
- Allowing targeting or contextual placement that complies with both U.S. and state law and Google’s anti-discrimination principles;
- Establishing clear creative and targeting guidelines specifically for age-restricted reverse mortgage advertising, similar to existing frameworks for political or health-related content.

In short, we are requesting the ability to legally communicate with those for whom the product is designed under statutory parameters and to whom its utilization is limited.

### **Our Commitment**

Each of the signatories and their members is committed to:

- Full compliance with HUD, FHA, the Consumer Financial Protection Bureau, and state law age restrictions and guidelines;

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<sup>3</sup> See WA Administrative Code § 208-620-820 (11).

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- Transparent advertisement disclosures and age-eligibility disclaimers;
- Ongoing collaboration with platform policy teams to ensure consumer protection.

We appreciate your leadership in maintaining a safe and equitable advertising environment and believe this issue presents a rare case where consumer protection and regulatory compliance align in favor of a narrowly scoped exception.

We would welcome the opportunity to engage in a direct dialogue with the appropriate team at Google to explore viable, compliant solutions.

Sincerely,

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