

AN ORDINANCE 2012-08-16-0622

AUTHORIZING THE ACCEPTANCE OF UP TO \$20,000.00 FROM, AND EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH, THE TEXAS STATE AFFORDABLE HOUSING CORPORATION TO PROVIDE FORECLOSURE INTERVENTION COUNSELING SERVICES FOR A TWO YEAR PERIOD; ADOPTING REQUIRED NATIONAL INDUSTRY STANDARDS FOR HOMEOWNERSHIP EDUCATION AND COUNSELING; APPROPRIATING FUNDS; AND APPROVING A PROGRAM BUDGET.

* * * * *

WHEREAS, the City's Department of Human Services (DHS) has served as a U.S. Department of Housing and Urban Development (HUD) certified housing counseling agency and has offered housing counseling services to San Antonio, and Bexar, Comal, Atascosa, Medina, and Bandera county homeowners since 1979; and

WHEREAS, the City's Housing Counseling Program supports the delivery of a wide variety of housing counseling services to homebuyers, homeowners, low-to-moderate income renters, and the homeless; and

WHEREAS, the primary objectives of the program are to improve financial literacy, expand homeownership opportunities, improve access to affordable housing, and preserve homeownership; and

WHEREAS, counselors provide guidance and advice to help families and individuals improve their housing conditions and meet the responsibilities of tenancy and homeownership; and

WHEREAS, additionally, counselors may provide counseling services to homeowners to prevent or resolve mortgage delinquency, default, and foreclosure, with the primary objective of preserving homeownership; and

WHEREAS, the Texas State Affordable Housing Corporation (TSAHC) is a self-supporting, not-for-profit organization and does not receive any state funding for its operations; and

WHEREAS, TSAHC was created by statute in 1994 to be operated exclusively for the promotion of public health, safety and welfare through the provision of safe, decent and affordable housing for low-income Texans and other underserved populations; and

WHEREAS, TSAHC received a \$100,000.00 grant from the Meadows Foundation, a private philanthropic institution created to improve the quality of life for people in Texas, to prevent foreclosures; and

WHEREAS, with this grant TSAHC solicited MOUs with HUD approved Housing Counseling agencies to provide foreclosure intervention counseling services on a case reimbursement basis; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager, or her designee, or the Director of the Department of Human Services (DHS), or her designee, is hereby authorized to accept grant funds in an amount up to \$20,000.00 from, and to execute a Memorandum of Understanding with, the Texas State Affordable Housing Corporation to provide foreclosure intervention counseling services for a two year period from the date of execution. A copy of the MOU in substantially final form is attached hereto and incorporated herein for all purposes as **Attachment I**. The City Manager, or her designee, or the Director of Human Services, or her designee, is further authorized to execute all necessary documents to effectuate acceptance of the funds.

SECTION 2. Required National Industry Standards for Homeownership Education and Counseling, attached hereto and incorporated herein for all purposes as **Attachment III**, are hereby adopted.

SECTION 3. The creation of a new fund and internal order number is hereby authorized. Upon receipt of grant funds, the funds will be appropriated into the designated City fund. The proposed budget, which is attached hereto and incorporated herein for all purposes as **Attachment II**, is approved and adopted for entry in the City books.

SECTION 4. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

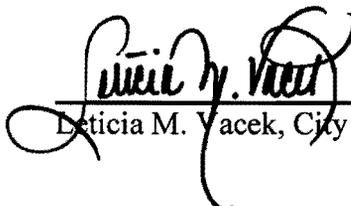
SECTION 5. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 16th day of August, 2012.



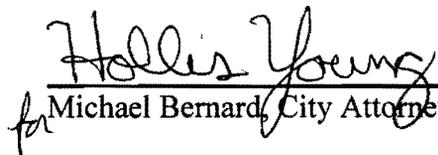
M A Y O R
Julián Castro

ATTEST:



Deticia M. Yacek, City Clerk

APPROVED AS TO FORM:



for Michael Bernard, City Attorney



Request for
**COUNCIL
ACTION**

City of San Antonio



Agenda Voting Results - 22

Name:	5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26A, 26B, 26C, 27A, 27B, 29, 30, 31						
Date:	08/16/2012						
Time:	09:40:30 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the acceptance of up to \$20,000.00 from, and execution of a Memorandum of Understanding with, the Texas State Affordable Housing Corporation to provide foreclosure intervention counseling services for a two year period; adopting required National Industry Standards for Homeownership Education and Counseling; appropriating funds; and approving a program budget. [Peter Zaroni, Assistant City Manager; Gloria Hurtado, Director, Human Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				x
Ivy R. Taylor	District 2		x				
Leticia Ozuna	District 3		x			x	
Rey Saldaña	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6	x					
Cris Medina	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
Carlton Soules	District 10		x				

**TEXAS STATE AFFORDABLE HOUSING CORPORATION
PARTNER COUNSELING AGENCY**

MEMORANDUM OF UNDERSTANDING

This document will serve as the Memorandum of Understanding (“MOU”) between HUD-approved housing counseling agencies (“Partner Counseling Agencies”) and the Texas State Affordable Housing Corporation (“TSAHC”).

I. Introduction:

The TSAHC mission is to serve the housing needs of low-income families and other underserved populations in Texas who do not have comparable housing options through conventional financial channels. To accomplish this mission, TSAHC provides funding to Partner Counseling Agencies to support the foreclosure intervention counseling services they provide to owner-occupied, single family households. This MOU will address the eligibility requirements for funding opportunities available to Partner Counseling Agencies.

It may be possible for HUD-approved housing counseling agencies that are funded directly through the National Foreclosure Mitigation Counseling (NFMC) Program or that are funded through a HUD Housing Counseling Intermediary Application to participate with TSAHC as a Partner Counseling Agency, but they are not eligible for NFMC funding through this MOU. Partner Counseling Agencies may not request reimbursement for providing counseling services to the same client more than once, regardless of the funding source.

II. Obligations of Partner Counseling Agencies:

All Partner Counseling Agencies executing this MOU hereby agree as follows:

- a) This MOU will be binding for two years from the date of execution.
- b) To maintain formal approval from the US Department of Housing and Urban Development (“HUD”) as a certified Housing Counseling Organization.
- c) To formally adopt the National Industry Standards for Homeownership Education and Counseling (Exhibit A) within one year of the date of execution of this MOU, and perform all counseling activities in accordance with these Standards, as described in Exhibit B.
- d) To follow the Core Operating Standards, specifically as it relates to training, certification, and continuing education, per the Foreclosure Intervention

Specialty of the National Industry Standards for Homeownership Education and Counseling.

e) To provide documentation that all Partner Counseling Agency foreclosure intervention counseling staff have completed, at a minimum, 30 hours of foreclosure-related training or will complete 30 hours of foreclosure-related training within one year of hire. Documentation should be submitted with the signed MOU and/or as staff completes training.

i. Training should focus on mortgage default and/or foreclosure intervention counseling, specifically relating to the current industry practices of loss mitigation to include loan repayment, forbearance, modification, refinance, loan assumption, short sale, deed-in-lieu, community referrals and other remedies available to the homeowner to avoid foreclosure.

f) To allocate financial resources received from TSAHC for (i) the reimbursement of the agreed-upon completed Counseling Benchmarks, as described in Exhibit B, and/or (ii) other eligible activities as allowed by TSAHC for outreach and capacity building. Availability of these financial resources, which are private funds raised by TSAHC, are available to the Partner Counseling Agencies on a first-come, first-served basis. In an effort to distribute funding resources equitably, TSAHC reserves the right to set a cap on the total dollars a Partner Counseling Agency may receive for reimbursement or capacity building.

g) To comply with all follow-up requests for information regarding counseling services, as may be required by TSAHC funders or other stakeholders.

III. Requirements for Reimbursement of Foreclosure Counseling Services

Funding for counseling activities performed in accordance with the Counseling Benchmarks will be made available to approved Partner Counseling Agencies as funds may be available. Payment for counseling services will be made on a reimbursement basis. To receive payment for counseling activities performed, the requesting Partner Counseling Agency must:

a) Submit monthly outcome reports to TSAHC for counseling activities performed; outcome reports will be in the approved format, as described in Exhibit C.

b) For a minimum of five years, maintain and dispose of clients' records in a manner that protects clients' confidentiality and is consistent with the state statutes governing records and social work licensure (22 TAC, Chapter upon execution of this MOU for the purpose of program monitoring and evaluation.

c) Comply with all quality control and evaluation requirements, which may include onsite and remote monitoring and file audits. If compliance monitoring uncovers

that the Partner Counseling Agency has made any misrepresentations or does not comply with the National Industry Standards for Homeownership Education and Counseling, TSAHC may terminate this MOU and recapture all or part of the funding awarded.

IV. Requirements for Capacity Building Funds

Funds for capacity building activities in support of foreclosure counseling services will be provided on a first-come, first-served basis for exclusive use by the Partner Counseling Agency. To receive funds for capacity building activities, the Partner Counseling Agency must:

- a) Submit the Funding Request Form (Exhibit D) directly to TSAHC for funding consideration. Partner Counseling Agency may only be awarded a total of \$2,000 per year, as funds may be available.
- b) Agree to use funds exclusively for capacity building, including but not limited to strategic planning and evaluation; resource development, such as revenue diversification and major donor campaigns; technology improvements, such as computer and software upgrades or new equipment; and board or staff development, such as training, workshops, or conferences. Funds may not be used to fund counseling services.
- c) Submit the Final Report Form (Exhibit E) to TSAHC upon utilization of the capacity building funds awarded. Partner Counseling Agencies have three months to expend awarded funds.

[Remainder of page intentionally left blank.]

As a Partner Counseling Agency of the Texas State Affordable Housing Corporation, we have reviewed and will comply with the above statements contained in this Memorandum of Understanding.

, as Partner Counseling
Agency

Signature: _____
Name: _____
Title: _____
Date: _____

TEXAS STATE AFFORDABLE
HOUSING CORPORATION, as
Corporation

Signature: _____
Name: David Long
Title: President
Date: _____

[Remainder of page intentionally left blank.]

EXHIBIT A

National Industry Standards for Homeownership Education and Counseling

Please visit www.homeownershipstandards.org to view the current National Industry Standards for Homeownership Education and Counseling.

EXHIBIT B

Foreclosure Counseling Benchmarks

Counseling can include a range of activities depending on the client's financial situation and the severity of the mortgage delinquency. Many clients in the early stages of delinquency may benefit from brief counseling sessions that result in an Action Plan (hereinafter defined) they can follow to get back on track and prevent foreclosure. More complex workouts, sometimes involving negotiations with mortgage lenders or servicers, require staff with additional expertise and will take longer to resolve. In accordance with a national model for foreclosure intervention funding, a three-tiered structure for defining and estimating the cost of counseling activity has been identified and is described below. The cost for Level One counseling has been set at \$100 and Level Two at \$200. **The maximum that may be drawn per individual counseling client is \$300. TSAHC will not allow duplicate billing for the same client at each counseling level or duplicate billing for a client billed under another foreclosure mitigation counseling program.**

“Level One” Counseling: To qualify for a Level One payment (\$100), a Partner Counseling Agency will be required to complete all four of the following steps:

(1) The Partner Counseling Agency must conduct an intake including client name and address, basic demographic information, lender and loan information, and reason for delinquency. The National Industry Foreclosure Counseling Standards provide guidance on what should be included in an intake form (Exhibit B). It is recommended, but not required, that contact information for one additional person is collected at intake in the event that the client moves or is otherwise unable to be reached following initial intake.

(2) The Partner Counseling Agency shall collect a signed authorization form from the client or have a legally permissible client authorization on record (Exhibit F) that will allow the Partner Counseling Agency to (a) submit client-level information to the data collection system for this grant, (b) open files to be reviewed for program monitoring and compliance purposes, and (c) pull a credit record for purposes of program evaluation two additional times between intake and December 31, 2014, and d) conduct a follow-up with the client related to program evaluation. The Partner Counseling Agency must also allow the client access to its privacy policy statement.

(3) The Partner Counseling Agency must develop a budget for the client based on the client's oral representation of their expenses, debts, and available sources of income.

(4) The Partner Counseling Agency must develop a written Action Plan (the “Action Plan”) for follow up activities to be taken by the client and review this Action Plan with the client. The National Industry Foreclosure Counseling Standards provide guidance on what should be included in an Action Plan.

(5) The Partner Counseling Agency must determine and document if the client is eligible for a loan refinance or loan modification through the *Making Home Affordable* Program.

When billing for Level One activities, all four of these completed documents must be in the client file: intake form, authorization form, budget and Action Plan.

“Level Two” Counseling: To qualify for a Level Two payment (\$200), the Partner Counseling Agency will be required to complete the following four steps:

(1) Engage in budget verification during which the counselor reviews documented evidence provided by the client to establish true debt obligations (credit report), monthly expenses (monthly bills and bank statements), spending patterns and realistic opportunities for income (tax returns and pay stubs).

(2) If not already on file, the Partner Counseling Agency shall collect a signed authorization form from the client or have a legally-permissible client authorization on record that will allow the Partner Counseling Agency to (a) submit client-level information to the data collection system for this grant, (b) open files to be reviewed for program monitoring and compliance purposes, and (c) pull a credit record for purposes of program evaluation two additional times between intake and December 31, 2014, and d) conduct follow-up with the client related to program evaluation. The Partner Counseling Agency must also allow the client access to its privacy policy statement.

(3) Steps to obtain a solution outlined in the written Action Plan are taken and documented using counseling notes that indicate the date counseling occurred. This could include but is not limited to the following:

(a) Draft and submit to the servicer a hardship letter that describes for the servicer the situation of the client, reason for delinquency, factors that should be considered when developing a workout plan, and an estimate of the housing cost the client can afford to pay.

(b) Documented attempt to contact the servicer or lender and, if a workout is possible, fill out and submit forms required by the servicer to move forward with a workout plan, loan modification or other available program.

(c) Complete and submit application for local options including refinance programs or rescue funds.

(d) Assist in situations where the client elects to pursue sale options.

(4) Completing close-out documentation for purposes of this grant. Close-out documentation refers to the documentation of steps taken in (3) above in order to report this client as having received Level Two counseling. All files

need to contain the reason for close-out and, if applicable, any documentation demonstrating a solution.

When billing for Level Two activities, all of these completed documents must be in the client file: intake form, authorization form, verified budget, documentation of steps taken based upon Action Plan, and close-out documentation.

EXHIBIT C

Monthly Outcome Report for Counseling Activities Performed

Partner Counseling Agencies will be supplied by TSAHC with a template for reporting the following measures via an Excel workbook on a monthly basis:

- Branch Name
- Client ID
- Counseling Level
- Counseling Intake Date
- Counseling Mode
- First Name
- Last Name
- Age
- Race
- Ethnicity
- Gender
- Household Type
- Household Income
- Income Category
- Street Number
- Street
- City
- State
- Zip
- Total Hours of Individual Foreclosure Counseling Received
- Total Hours of Group Foreclosure Counseling Received
- Name of Originating Lender
- FDIC of Original Lender
- Original Loan Number
- Current Loan Servicer
- Current Servicer FDIC
- Current Servicer Loan Number
- Credit Score at Intake
- Why No Credit Score
- Intake Score Type
- PITI at Intake
- First or Second Loan
- Homeowner Has Second Loan
- Loan Product Type
- Interest Only
- Hybrid
- Option ARM
- VA or HFA Insured
- Privately Held
- ARM Reset
- Default Reason Code
- Loan Status at Contact
- Counseling Outcome Code
- Counseling Outcome Date
- Back End DTI

EXHIBIT D

Capacity Building Funding Request Form

Date of Request:	
Partner Counseling Agency Name:	
Contact Name:	
Contact Email:	
Contact Phone:	
Amount Requested (up to \$2,000):	\$

Describe your organization's funding request. In your description, please explain how capacity building support will enhance the organization's foreclosure counseling services (attach additional materials if necessary).

Please attach an anticipated detailed budget with the Request for Funding Form. The budget should also include other committed and anticipated sources of funding and in-kind donations. Funds may be used exclusively for capacity building expenses and may not be used to fund counseling sessions.

Please send the Funding Request Form along with the detailed budget to:

Paige McGilloway
Texas State Affordable Housing Corporation
2200 East Martin Luther King Jr. Blvd.
Austin, TX 78702

Or an electronic copy of the Funding Request may be submitted to Paige McGilloway at pmcgilloway@tsahc.org.

EXHIBIT E

Capacity Building Final Report

Date of Award:	
Partner Counseling Agency Name:	
Contact Name:	
Contact Email:	
Contact Phone:	
Amount Utilized (up to \$2,000):	\$

Describe how the funds were utilized (attach additional materials such as invoices and receipts as supporting documentation).

How have these funds assisted your organization in its capacity building efforts? In the narrative, please elaborate how these funds have helped immediately impact your organization's foreclosure counseling services, as well as, how these funds will help the organization reach its long-term goals.

Please attach a final detailed budget and supporting documentation with the Final Report. The budget should also include other sources of funding and in-kind donations utilized. Funds may be used exclusively for capacity building expenses and may not be used to fund counseling sessions.

Please send the Final Report along with the detailed budget to:

Paige McGilloway
Texas State Affordable Housing Corporation
2200 East Martin Luther King Jr. Blvd.
Austin, TX 78702

Or an electronic copy of the Final Report may be submitted to Paige McGilloway at pmcgilloway@tsahc.org.

EXHIBIT F

SAMPLE Authorization Form & Privacy Policy Statement

These following are sample documents only. All documents your agency adopts should first be reviewed by your agency's legal counsel to ensure compliance with applicable laws or regulations that govern your services or service area.

[Insert Partner Counseling Agency Name & Logo]

Authorization Form

The undersigned hereby understands:

1. The (Name of organization) provides foreclosure mitigation counseling after which I will receive a written action plan consisting of recommendations for handling my finances, possibly including referrals to other housing agencies as appropriate.
2. The (Name of organization) receives Congressional funds through the National Foreclosure Mitigation Counseling (NFMC) Program and/or the Texas State Affordable Housing Corporation (TSAHC) and, as such, is required to share some of my personal information with NFMC Program administrators, their agents and/or TSAHC for purposes of program monitoring, compliance and evaluation.
3. I give permission for this organization, their agents and/or TSAHC to follow-up with me within the next five years for the purposes of program evaluation.
4. I acknowledge that I have received a copy of (organization name)'s Privacy Statement Policy.

Optional statements to be included if applicable:

5. I may be referred to other housing services of the organization or another agency or agencies as appropriate that may be able to assist with particular concerns that have been identified. I understand that I am not obligated to use any of the services offered to me.
6. A counselor may answer questions and provide information, but not give legal advice. If I want legal advice, I will be referred for appropriate assistance.
7. I understand that (organization name) provides information and education on numerous loan products and housing programs and I further understand that the housing counseling I receive from (organization name) in no way obligates me to choose any of these particular loan products or housing programs.

Date: _____

Applicant's Printed Name

Signature of Applicant

Applicant's Printed Name

Signature of Applicant

- Within the organization, we restrict access to nonpublic personal information about you to those employees who need to know that information to provide services to you. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Attachment II

Texas State Affordable Housing Corporation
July 1, 2012 - September 30, 2014

Budget

REVENUES	
4501100 Grants from State Agencies-MOU Funds	\$ 20,000
TOTAL REVENUES	<u>\$ 20,000</u>
APPROPRIATIONS	
Internal Order 138000000XXX Administration	
5101010 Reg. Salaries& Wages	\$ 12,939
5103005 FICA & Medicare Expense	1,079
5103010 Life Insurance	13
5104030 Flex Benefits	2,643
5105010 Retirement Expense	1,326
5203090 Transportation Fees	2,000
Total 138000000XXX	<u>\$ 20,000</u>
TOTAL APPROPRIATIONS	<u>\$ 20,000</u>

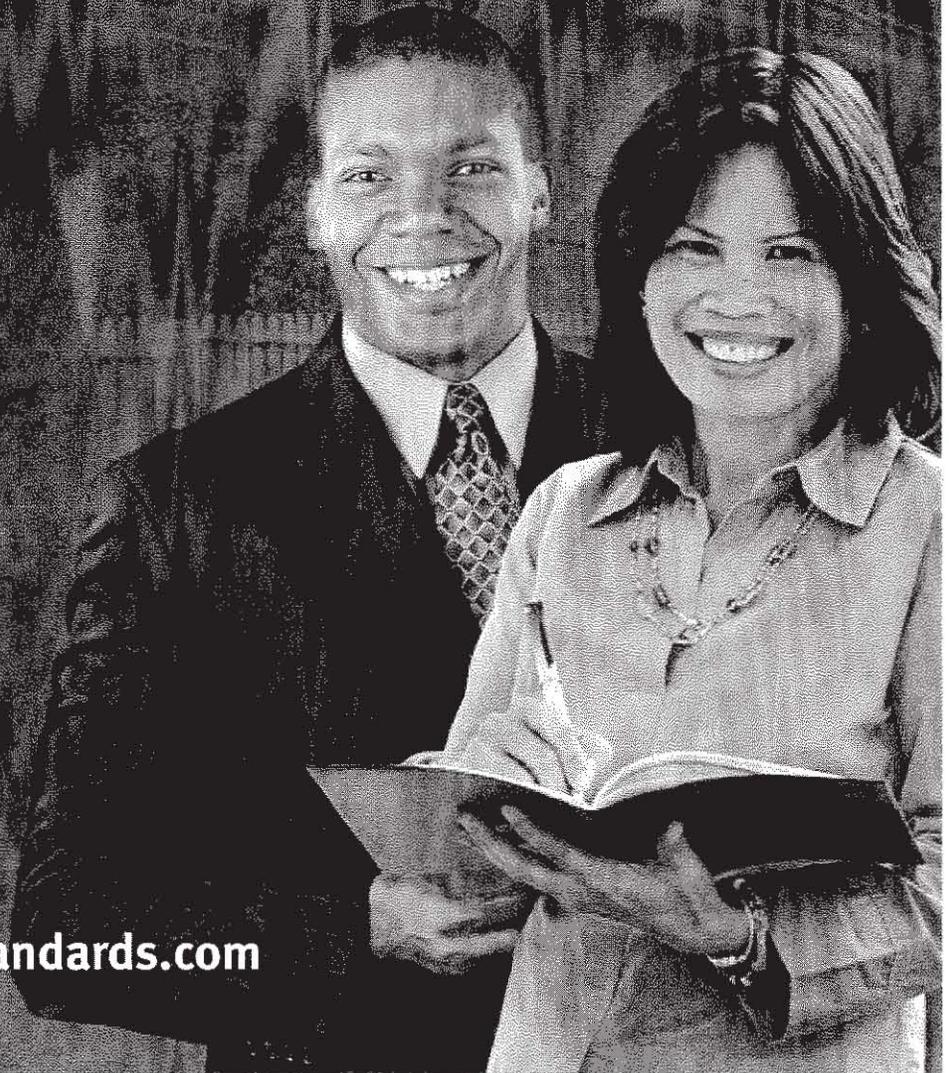


Homeownership
Done Right.™

National Industry Standards for Homeownership Education and Counseling

Guidelines and
Code of Ethics
Reference Guide

www.homeownershipstandards.com



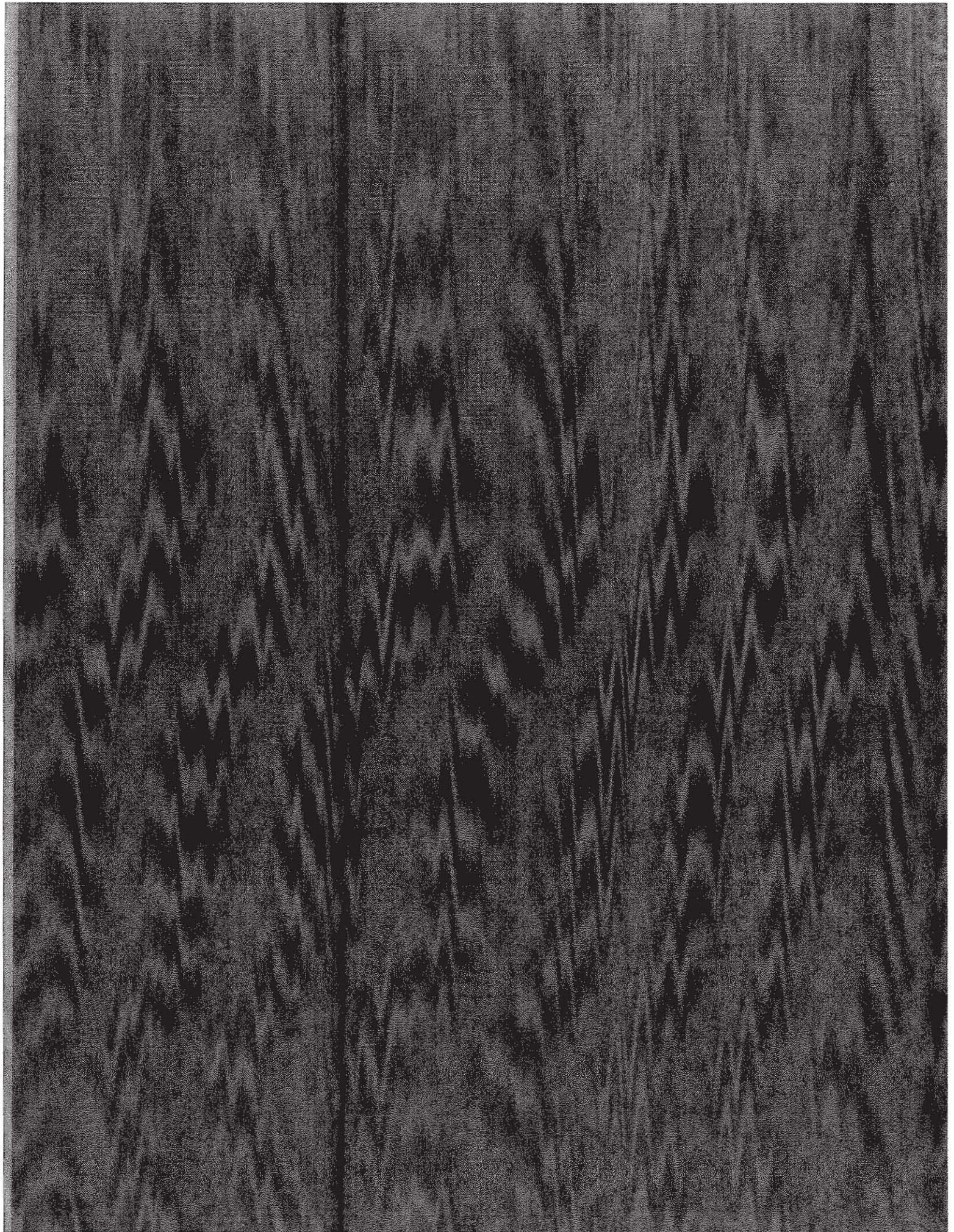
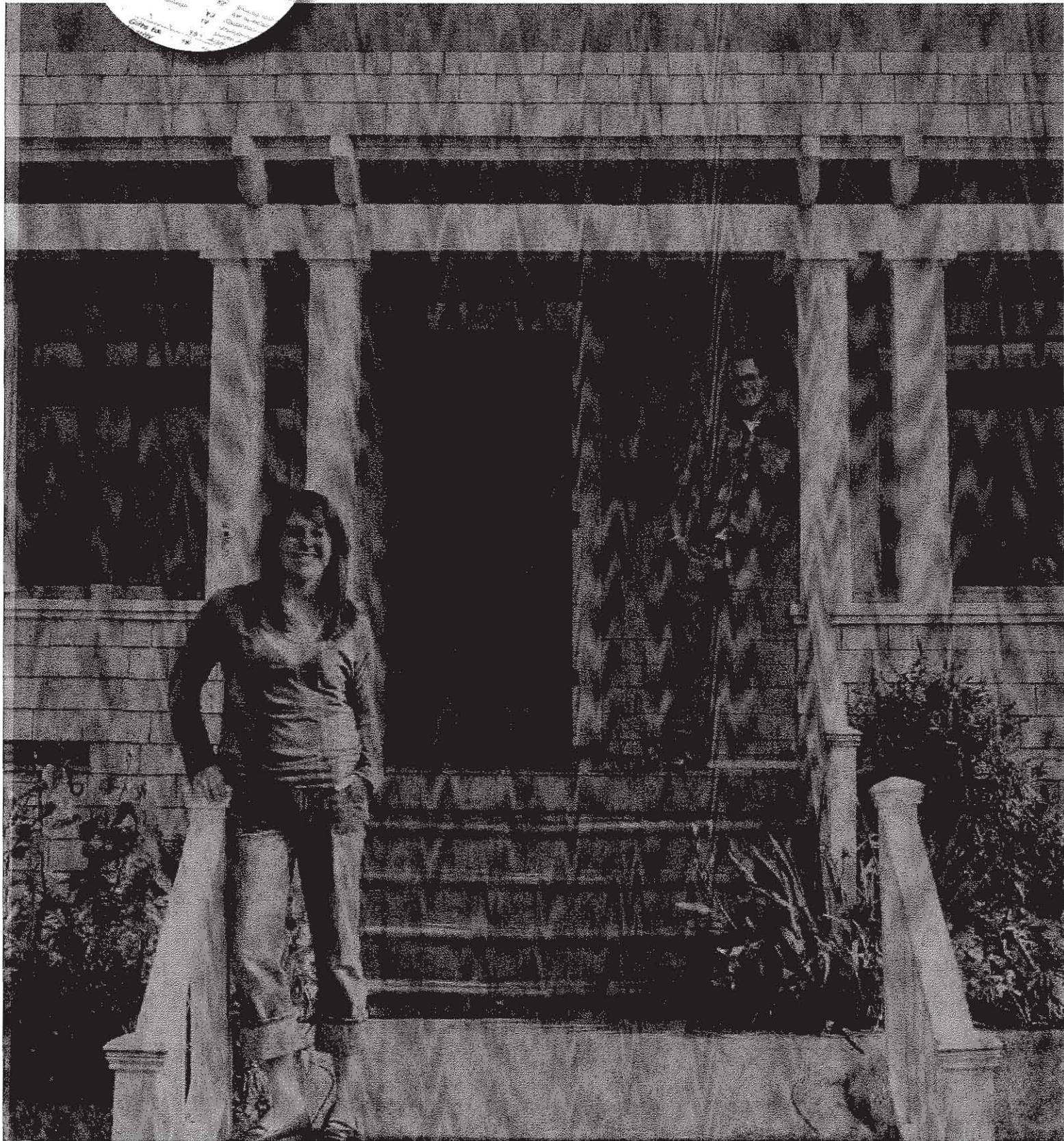
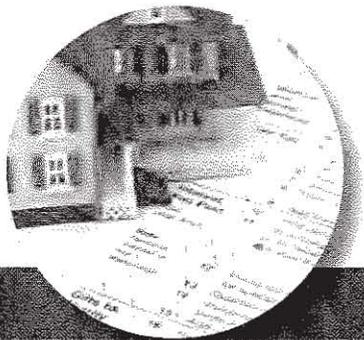


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Introduction— Homeownership Done Right™



As the link between sustainable homeownership and quality counseling and education becomes more and more clear, stakeholders across the housing industry agree that there is a vital need to ensure that consistently high-quality counseling and education become the norm across the nation. We call it “Homeownership Done Right™”—three simple words which are embodied in the National Industry Standards for Homeownership Education and Counseling. Simply put, the National Industry Standards are a set of training and performance benchmarks designed to promote increased quality and reliability in the delivery of homeownership education and counseling programs. In practice, they provide a common industry roadmap for excellence that delivers confidence to homebuyers and which instills professionalism and credibility among and across the diverse stakeholders who are part of the homeownership experience.

Creating industry-wide standards for homeownership counseling and education is a basic idea, but one that has far-reaching benefits. By adopting the National Industry Standards, homeownership counseling organizations demonstrate their belief in the importance of maintaining a high level of expertise on the part of their counselors and educators and of ensuring that all clients receive consistent, quality service. Likewise, by supporting the Standards, Housing Finance Agencies, other government entities, regional and national lenders, mortgage insurers and GSEs demonstrate accountability and commitment towards providing the greatest chance for sustainable homeownership. In turn, consumers gain confidence knowing that organizations that adopt and follow the Standards can be counted on to provide reliable information and professional service that has the homebuyer’s best interests in mind. Put it all together, and you get “Homeownership Done Right.™”

Encouraging Nationwide Quality

Organizations providing homeownership counseling and education services are encouraged to integrate the recommended benchmarks from the Standards into their everyday business operations and strive to exceed these benchmarks. The National Industry Standards for Homeownership Education and Counseling focus on a set of six core areas:

Competency, including strong knowledge of the homebuying process, money management and credit

Skills, including communication and listening skills, adult education and facilitation skills

Training, with recommendations for a minimum number of hours of training and certification

Operational Knowledge, regarding programs, fundraising and marketing

Code of Ethics and Conduct, which practitioners must sign and abide by

Performance Standards, including standards for delivery, curriculum, recordkeeping and reporting

Benefits of the Standards

The National Industry Standards for Homeownership Education and Counseling provide numerous benefits to a wide variety of housing industry stakeholders.

Benefits for Community Development Organizations

By adopting the National Industry Standards, organizations are better able to:

- Promote responsibility and sustainability for homeownership in the community
- Create consistencies in content delivered to clients across the nation
- Raise awareness for the organization and the homeownership counseling/education field
- Gain the public's trust
- Provide guidance to practitioners to perform at the highest level of professionalism
- Promote sustainability for organizations that adopt the Standards by reassuring funders and fee-paying clients of the quality of services provided
- Allow consumers to identify organizations that adopt and follow the Standards to ensure they are receiving high-quality, ethical service
- Elevate the industry's reputation for quality service delivery

Benefits for Practitioners

Achieving (or exceeding) the benchmarks established by the Standards helps homeownership professionals to:

- Increase their knowledge and skill-set to best serve their clients
- Earn the trust of their clients

- Distinguish themselves professionally
- Advance their career
- Enhance their credibility and image

Benefits for Partner Organizations

By endorsing and promoting the Standards, corporations and government entities:

- Take the lead in advocating for education and counseling as a critical part of the homeownership experience
- Demonstrate their commitment to best practices in achieving sustainable homeownership
- Show public support for homeownership educators and counselors
- Endorse a mechanism that will instill greater public trust in the market
- Raise the bar of excellence for organizations seeking funding opportunities

Benefits for Homebuyers and Homeowners

Homebuyers and current homeowners benefit by knowing that organizations that adopt and follow the Standards will:

- Provide a solid source of information to draw upon before and after the home purchase
- Make sure their counselors/educators serve clients with competence, fairness and respect

- Ensure that clients receive consistent and correct information
- Provide counselors/educators with the proper tools and training to support their work

Development of The National Industry Standards

Building on the effective practices found at every point of the homeownership experience, the National Industry Standards for Homeownership Education and Counseling were drawn from a variety of sources, including existing standards used by the U.S. Department of Housing and Urban Development (HUD) and local, regional and national housing counseling agencies. Input on the Standards was gathered by the Advisory Council for the National Industry Standards and from a variety of housing industry partners.



Advisory Council

Bank of America
 Chase
 Chrysalis Consulting Group, LLC
 Citi
 Community Development Corporation of Long Island, Inc.
 Consumer Credit Counseling Services of San Francisco
 Fannie Mae
 Federal Reserve Board
 Freddie Mac
 The Housing Partnership Network
 Minnesota Housing
 Mortgage and Credit Center
 NAREB – National Investment Division
 National Association of REALTORS®
 National Council of State Housing Finance Agencies
 National Council of La Raza
 NeighborWorks® America
 NHS of Great Falls
 U.S. Department of Housing and Urban Development
 Wells Fargo

How To Use This Booklet

This booklet is designed to serve three purposes: (1) To provide comprehensive information about the National Industry Standards and the Code of Ethics and Conduct for professionals across the homeownership industry, (2) To be a call to action for organizations to adopt the National Industry Standards and (3) To serve as a reference guide for practitioners—homeownership educators and counselors, as well as other homeownership industry professionals—who will benefit from having the National Industry Standards guidelines and benchmarks and Code of Ethics and Conduct printed in one handy place.

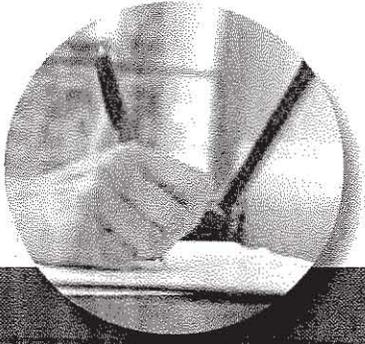
Adopting The Standards

Many organizations that currently provide homeownership education and counseling will find that their programs meet or exceed the recommended benchmarks for industry standards and can readily adopt the National Industry Standards and National Industry Standards Code of Ethics and Conduct.

For more information and to adopt the Standards, turn to page 32 and log on to www.homeownershipstandards.com.



Standards for Homeownership Education (Pre-Purchase and Post-Purchase)



Purpose of the Standards

To ensure consistency in the quality of homeownership education efforts nationwide, and adopt industry best practices.

In order to best serve clients, organizations providing homeownership education and individual homeownership educators agree to adopt the following:

Core Operating Standards

- 1. Competency:** Possess a strong knowledge in the area of homeownership—specifically the homebuying process, budgeting, money management, credit, banking, mortgage financing, down payment assistance, insurance, community involvement, home maintenance, loss mitigation, foreclosure prevention, fair housing, delinquency intervention, refinancing, anti-fraud or anti-predatory lending and relevant local, state and federal laws.
 - **Recommended Benchmark:** Individuals new to the field of Homeownership Education should obtain appropriate orientation and introductory level training during the initial six months of employment.
- 2. Skills:** Demonstrate an understanding of adult education techniques and training, cultural competency, facilitation skills and training methods, presentation skills, audio/visual techniques, planning and designing trainings, and participatory training techniques.
- 3. Training:** As soon as possible, but within 18 months of being hired, homeownership educators will obtain minimum training



as a homeownership educator equivalent to no less than 30 hours of facilitated instruction covering topics included in Standards 1 and 2 above, utilizing a variety of methods which could include lecture, interactive, demonstration, on-line and case study.

- 4. Certification:** A certification standard is critical to establishing professionalism and value to homeownership education. After completing minimum training, certification will require a homeownership educator to take and pass a comprehensive exam demonstrating at least 80% proficiency. The exam will test the skills and core competency areas identified in Standards 1 and 2 above, as well as the related content and activities identified in Exhibits A and B herein.
 - **Recommended Benchmark:** Certification must be completed as soon as reasonably possible, but no later than 18 months from the start of employment.
- 5. Continuing Education:** Complete a minimum of 10 hours of continuing education annually in subjects relative to the core content and delivery of homeownership education.
 - **Recommended Benchmark:** Continuing education requirements for most certification programs will meet or exceed this standard.
- 6. Homeownership Program Operations:** Implement effective program operations, including outreach and marketing, partnership building, fundraising, customer service, customer tracking, reporting, program evaluation and program design.

- **Recommended Benchmark:** These skills can be obtained through training and experience.

7. **National Industry Standards Code of Ethics and Conduct Statement:** Sign and adopt the written National Industry Standards Code of Ethics and Conduct that specifically addresses any real and apparent conflicts of interest, guidelines for professional behavior, privacy and confidentiality, payment for services, consultation, referrals, quality assurance and integrity.

Performance Standards

1. **Delivery:** Perform face-to-face group homeownership education to clients, utilizing a variety of interactive techniques.
 - **Recommended Benchmark:** Homeownership education occurs before a purchase contract is signed in pre-purchase education.
 - **Recommended Benchmark:** Content, delivery and format of the training is tailored to meet the needs of the participants.
 - **Recommended Benchmark:** Participants should be provided service in a timely manner, requisite with the service need. At a minimum, upon request participants should receive acknowledgement of inquiry within two business days of initial contact, and delivery of education within a two-week timeframe.
 - **Recommended Benchmark:** Homeownership educators should use a training manual, and make materials available to attendees.

- **Recommended Benchmark:** A certificate of completion is provided to customers who successfully complete the training.
- **Recommended Benchmark:** Customer satisfaction surveys are used to evaluate the effectiveness of the homeownership education.
- **Recommended Benchmark:** Offer and encourage individual counseling in conjunction with the provision of all group education.
- **Recommended Benchmark:** A code of ethics is utilized for all volunteer trainers, coupled with an orientation regarding the mission, philosophy and delivery of the training

2. **Curriculum:** Utilize a comprehensive curriculum containing the following minimum core content:*

Pre-Purchase Education

- Assessing Readiness to Buy a Home
- Budgeting and Credit
- Financing a Home
- Selecting a Home
- Maintaining a Home and Finances

*See detailed list of acceptable content and topics



Post-Purchase Education (when offered)

- Community Involvement
 - Budgeting for Homeownership
 - Maintaining a Home and Home Improvement
 - Financing and Sustaining Homeownership
 - Avoiding Delinquency and Foreclosure
- **Recommended Benchmark:** There are a number of excellent consumer curricula that have been developed by various organizations, service providers, state collaboratives, etc, which may meet or exceed the standard for curriculum content. These curricula must contain the components mentioned above.
- **Recommended Benchmark:** Specialty topics, such as financial literacy, reverse mortgage lending, individual development accounts (IDAs) and foreclosure prevention, may also at times be delivered as group education. Use of nationally developed and utilized curriculum, and/or an equivalent is recommended. Homeownership educators should secure appropriate training in the appropriate specialty topic.
3. **Expected Education Outcome:** Upon completion of homeownership education, clients will be able to demonstrate an understanding of the following: preparing for homeownership, budgeting and credit management, financing a home, selecting a home, maintaining a home and finances* and avoiding delinquency and foreclosure.

*See detailed criteria for core understanding

- **Recommended Benchmark:** Optimally, the time allocated for comprehensive, effective delivery of pre-purchase curriculum to achieve a desired expected outcome and cover content adequately is eight hours of education. In some circumstances (e.g., based on pre-assessment of learners' needs) hours may vary, but in no case would less than four hours be sufficient.

4. **Recordkeeping:** Collect and maintain specific information from education clients in accordance with all laws and governing organizations (i.e., HUD, Intermediary, etc.).

- **Recommended Benchmark:** An intake form should be completed and collected with client profile information to include contact information, services sought/provided, household size, ethnicity (optional), household income, date and type of workshop attended, workshop format and length.
- **Recommended Benchmark:** Aggregate information for group education should be maintained including total number of persons served and other demographic information.
- **Recommended Benchmark:** Utilize a checklist to ensure files maintained are consistent and meet reporting standards and quality assurance.
- **Recommended Benchmark:** Files should be maintained in secured file cabinets in order to protect client privacy. Scanned documents or electronic files should maintain the highest level of client security.

- **Recommended Benchmark:** Files should be maintained for a minimum of three years. Longer file retention requirements may be required if the household has received grant or loan assistance through state or federal subsidy programs. At the time of disposal, files should be shredded.
5. **Reporting:** Utilize an electronic Client Management System (CMS) for collecting and reporting data.
- **Recommended Benchmark:** An electronic method in place for collecting reporting data may be as basic as an Excel spreadsheet or Access database application that captures needed data fields from

each client, but *preferably* should be a software application compliant with HUD's CMS vendor list or equivalent. Visit www.hud.gov to view HUD's CMS vendor list.

6. **Service Thresholds:** Establish referral networks for individuals and families seeking services that the homeownership educator does not provide or possess sufficient competency to adequately and effectively deliver.
- **Recommended Benchmark:** Examples of such services may include: individual/personal counseling services, housing search assistance, legal aid, relocation assistance, etc.



Exhibit A

Pre-Purchase Standard Homeownership Education Content

Key Topics	Client Outcome
Assessing Homeownership Readiness	
Pros and cons of homeownership	Understand the benefits and responsibilities of homeownership
Overview of the home purchase process	Conduct self-assessment of homeownership readiness
Housing affordability	Calculate housing affordability
4 C's of credit	Understand how lenders determine mortgage readiness
Budgeting and Credit	
Importance of goal setting	Set financial goals
Tracking expenses	Develop system to track expenses
Setting up a spending plan	Create a realistic spending plan
Budgeting and saving tips	Identify ways to reduce expenses and increase savings
Importance of good credit	Understand the importance of good credit
Understanding credit and how to protect credit ratings	
Credit bureaus, reports and scores	Order credit reports and credit scores
How to fix credit problems	Improve credit rating
Debt management tips	Reduce debt
Financing a Home	
How a lender decides whether or not to lend	Understand how lenders make loan decisions
Housing affordability and qualification	Calculate housing affordability
Sources for mortgage loans	Understand where to obtain a mortgage loan
Predatory loans and how to avoid them	Avoid high-risk loans
Types of mortgage loans	Choose appropriate loan product and source
Special financing products	Understand resources available to assist with home purchase
Steps in the mortgage loan process	Understand the loan process
Loan application and approval process	
Common lending documents	Assemble documents needed for loan application

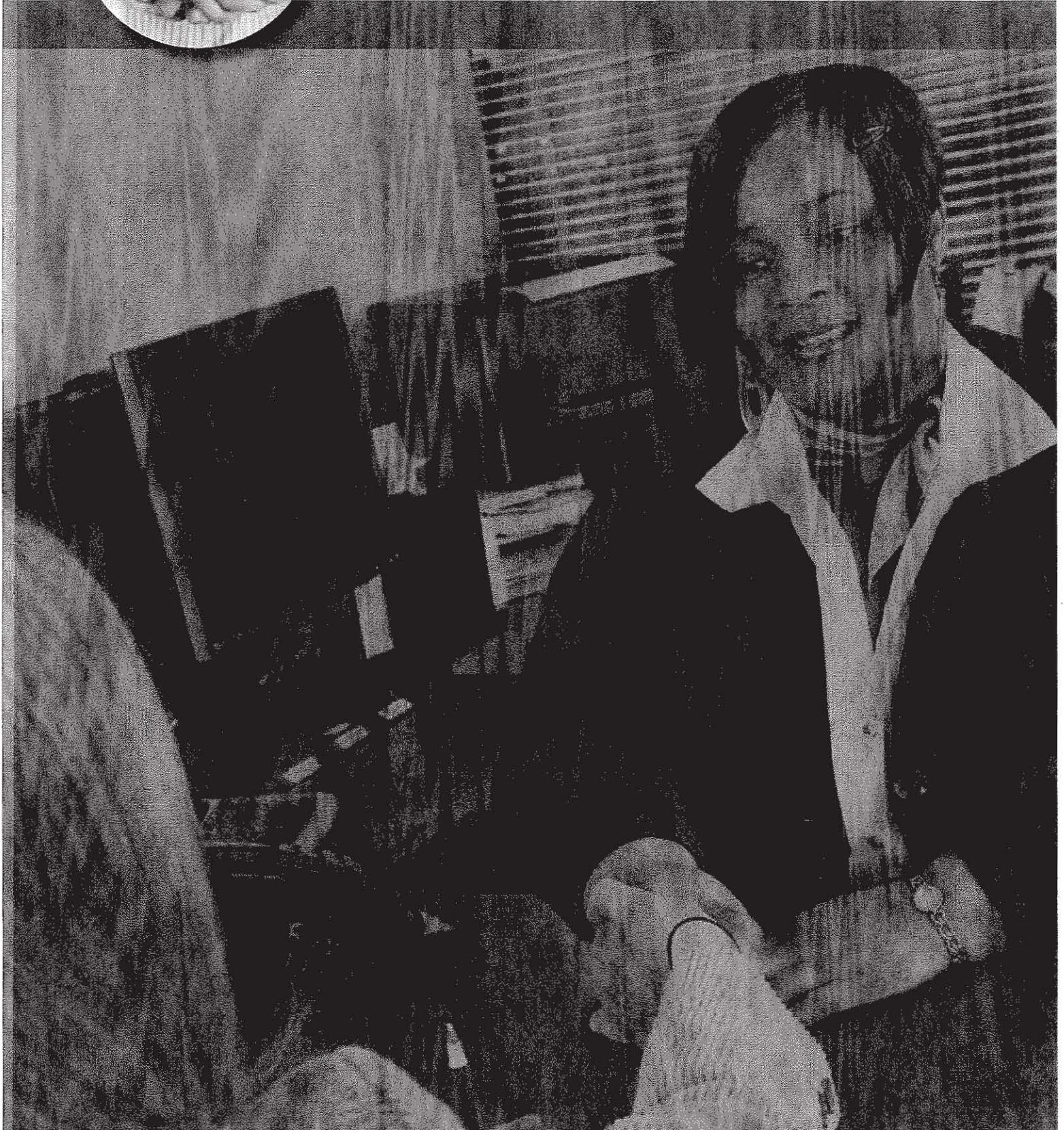
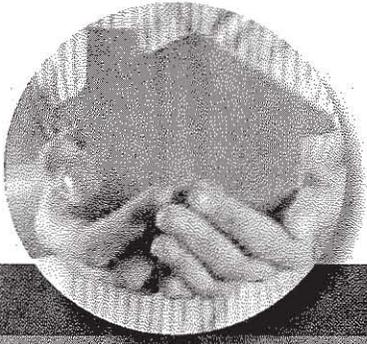
Key Topics	Client Outcome
What to do if the loan is denied	Address issue listed as the reason for loan denial
Closing process	Understand the loan closing process
Shopping for a Home	
The homebuying team	Understand the professionals involved in the homebuying process
Real estate professionals	Understand the different types of real estate professionals
Types of homes and ownership	Understand housing and titling options
How to select a home and neighborhood	Determine housing wants versus needs
How to make an offer	Understand the home purchase process
Negotiating tips	
The purchase contract	
Inspections	Understand the importance of a professional home inspection
Escrow and closing process	Understand the escrow and closing process
Maintaining a Home and Finances	
How to maintain and protect a home after moving in	Understand costs associated with homeownership, including taxes, insurance, maintenance, etc.
Home safety and security	Create emergency plan
Energy efficiency	Reduce energy usage
Preventive maintenance	Create plan for routine maintenance
Home repairs and improvements	Understand the difference between repairs and improvements
Working with a contractor	Understand how to work with a contractor
Community involvement	Get involved in the community
Record keeping	Set up a record-keeping system
Taxes	Understand tax issues associated with homeownership
Insurance	Understand different insurance policies associated with homeownership
What to do if you can't make a payment	Contact lender immediately if there are financial issues
Predatory lending and other financial pitfalls	Avoid high-risk loans

Exhibit B

Post-Purchase Standard Homeownership Education Content

Key Topics	Client Outcome
Budgeting for Homeownership	
Staying financially fit as a new homeowner	Review spending plan and revise with new expenses of mortgage payments, maintenance, reserves, utilities, homeowners association fees and investments
Budgeting	
Maintaining good credit	Understand the importance of maintaining good credit
Home equity: Your home as an asset	Calculate home equity, and understand how to manage it effectively
Retirement savings	Understand options and techniques for saving for retirement
Taxes: Property and income	Understand tax liabilities and ways to maximize deductions
Insurance: Mortgage, homeowners, auto, health and life	Understand different types of insurance and the importance of risk management
Maintaining and Improving Your Home	
Home maintenance and improvements	Develop plans for preventive maintenance, home repairs and replacements and/or home improvements as needed
Home safety	Create emergency plan
Energy conservation	Reduce energy usage to save money
Community Involvement	
Building community	Get involved in the community
Financing and Sustaining Homeownership	
Foreclosure prevention	Contact lender immediately if there are financial issues
Mortgage options: Refinancing, home equity loans and home improvement loans	Know your options: refinance, home-equity loans, home improvement loans
Recordkeeping	Create record-keeping system
Lending abuses	Avoid high-risk loans
Landlord issues	Attend landlord training classes

Standards for Homeownership Counseling



Purpose of the Standards

To ensure consistency in the quality of homeownership counseling efforts nationwide and adopt industry best practices.

In order to best serve clients, organizations providing homeownership counseling and individual homeownership counselors agree to adopt the following:

Core Operating Standards

- 1. Competency:** Possess a strong knowledge in the area of homeownership—specifically the homebuying process, budgeting, money management, credit, banking, mortgage financing, down payment assistance, insurance, community involvement, home maintenance, loss mitigation, foreclosure prevention, fair housing, delinquency intervention, refinancing, anti-fraud, anti-predatory lending and relevant local, state and federal laws.
 - **Recommended Benchmark:** Individuals new to the field of Homeownership Counseling should obtain appropriate orientation and introductory level training during the initial six months of employment.
- 2. Skills:** Exhibit professional communication and organization skill set, including listening skills, customer service, cultural competency and time management. Homeownership Counselors must demonstrate the skills necessary to obtain, review and analyze a tri-merged credit report, calculate income and debt and perform an affordability analysis. A full command of calculations for mortgage financing, down payment assistance and



subsidy programs is required.

- 3. Training:** As soon as possible but within 18 months of being hired, homeownership counselors will obtain minimum training as a homeownership counselor equivalent to and no less than 30 hours of facilitated instruction covering topics included in Core Operating Standards 1 and 2 above, utilizing a variety of methods which could include lecture, interactive, demonstration, on-line and case study.
 - **Recommended Benchmark:** Homeownership counselors providing specialty counseling such as reverse mortgage counseling, foreclosure prevention and delinquency counseling should seek the appropriate training to provide these services.
- 4. Certification:** A certification standard is critical to establishing the professionalism and value of homeownership counseling. After completing minimum training, certification will require a homeownership counselor to take and pass a comprehensive exam demonstrating at least 80% proficiency. The exam will test skills and core competency areas included in Standards 1 and 2 above, as well as the related content and activities identified in Exhibit C herein.
 - **Recommended Benchmark:** Certification must be completed as soon as reasonably possible, but no later than 18 months from the start of employment.
- 5. Continuing Education:** Complete a minimum of 10 hours of continuing education annually in subjects relative to the core content and delivery of homeownership counseling.

- **Recommended Benchmark:** Continuing education requirements for most certification programs will meet or exceed this standard.

6. Homeownership Counseling Operations: Implement effective program operations of homeownership counseling techniques, including outreach and marketing, partnership building, fundraising, customer service, customer tracking, reporting, program evaluation and program design. Counselors should have a working knowledge of each of these subject areas.

- **Recommended Benchmark:** These skills can be obtained through training and experience.

7. National Industry Standards Code of Ethics and Conduct: Sign and adopt the written National Industry Standards Code of Ethics and Conduct that specifically addresses any real and apparent conflicts of interest, guidelines for professional behavior, privacy and confidentiality, payment for services, consultation, referrals, quality assurance and integrity.

Performance Standards

- 1. Delivery:** Perform individual, personalized homeownership counseling to clients.
 - **Recommended Benchmark:** Pre-purchase counseling occurs before a purchase contract is signed.
 - **Recommended Benchmark:** Content, delivery and format of the counseling is tailored to meet the needs of the client.
 - **Recommended Benchmark:** Clients should be consulted in a timely manner, requisite with the



service need. At a minimum, upon request clients should receive acknowledgement of inquiry within two business days of initial contact, with the intake appointment within a one-week timeframe.

- **Recommended Benchmark:** Homeownership Counselors must complete a formal intake, needs assessment and develop a written action plan.
- **Recommended Benchmark:** Active, open client files should be closely monitored, with timely follow-up in accordance with the stated action plan. When no contact from the client has taken place for six consecutive months, the file may be classified as inactive.
- **Recommended Benchmark:** Where appropriate, Homeownership Counselors should review and analyze client's credit report.

- **Recommended Benchmark:** Customer satisfaction surveys are used to evaluate the effectiveness of the counseling.
- **Recommended Benchmark:** Offer and encourage homeownership education in conjunction with the homeownership counseling services.

2. **Expected Counseling Outcome:** Upon completion of homeownership counseling, clients will be able to demonstrate an understanding of the following: preparing for homeownership, budgeting and credit management, financing a home, selecting a home, maintaining a home and finances, sustaining homeownership and avoiding delinquency and foreclosure.

- **Recommended Benchmark:** Comprehensive, effective delivery should be determined based upon the individual need of the client to reach the desired outcome. The minimum standard for delivery of



individual counseling should be at least one session of at least 30-60 minutes.

3. **Recordkeeping:** Collect and maintain specific information from clients in accordance with all laws and governing organizations (i.e., HUD, Intermediary, etc.).

- **Recommended Benchmark:** An intake form should be completed and collected with client profile information to include contact information, services sought/provided, household size, ethnicity (optional), household income, date and type of workshop attended, workshop format and length.

- **Recommended Benchmark:** Aggregate information for clients should be maintained including total number of persons served and other demographic information.

- **Recommended Benchmark:** Utilize a checklist to ensure files maintained are consistent and meet reporting standards and quality assurance.

- **Recommended Benchmark:** Files should be maintained in secured file cabinets in order to protect client privacy. Scanned documents or electronic files should maintain the highest level of client security.

- **Recommended Benchmark:** Files should be maintained for a minimum of three years. Longer file retention requirements may be required if the household has received grant or loan assistance through state or federal subsidy programs. At the time of disposal, files should be shredded.

4. Reporting: Utilize an electronic Client Management System (CMS) for collecting and reporting data.

- **Recommended Benchmark:** An electronic method in place for collecting reporting data may be as basic as an Excel spreadsheet or Access database application that captures needed data fields from each client, but *preferably* should be a software application compliant with HUD's CMS vendor list or equivalent. Visit www.hud.gov to view HUD's CMS vendor list.

5. Service Thresholds: Establish referral networks for individuals and families seeking services that the homeownership counselor does not provide or possess sufficient competency to adequately and effectively deliver.

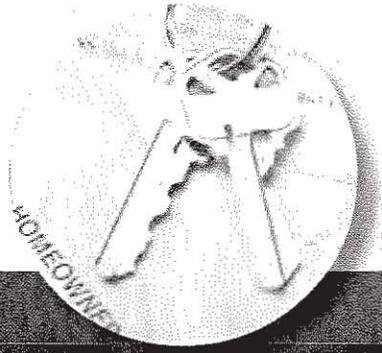
- **Recommended Benchmark:** Examples of such services may include: rental housing assistance, housing search assistance, legal aid, relocation assistance, etc.

Exhibit C

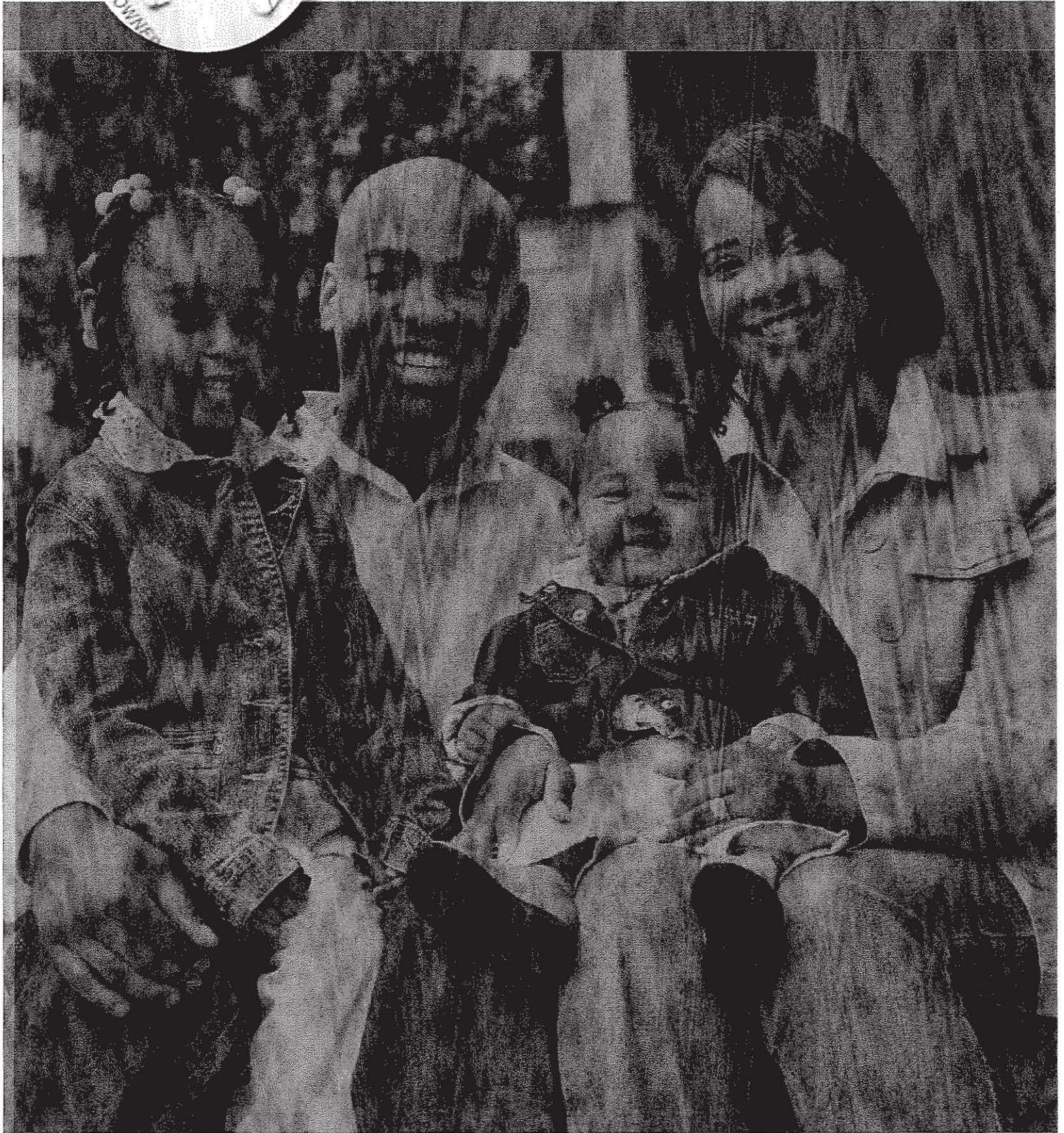
Minimum Standard Activities for Homeownership Counseling

Activities
Intake – gather baseline information from client
Conduct accurate needs assessment
Document the household income and expenses
Determine household debt level
Review client's credit report(s)
Identify credit challenges
Determine and document household savings
Develop a household budget
Analyze budget and recommend modification
Conduct various calculations including affordability based on income and debt
Develop a written action plan
Provide client follow up
Make referrals for additional services needed by client
Provide client information on delinquency/foreclosure services or information on a referral for these services

Note: Specialty counseling services such as reverse mortgage counseling, foreclosure prevention and delinquency counseling should only be provided by counselors with the proper training and certification.



Standards for Homeownership Education and Counseling— Foreclosure Intervention Specialty



Purpose of the Standards

To ensure consistency in the quality of foreclosure intervention counseling efforts nationwide, and adopt industry best practices.

In order to best serve clients, organizations providing homeownership counseling and individual homeownership counselors providing foreclosure intervention services agree to adopt the following:

Core Operating Standards

1. Competency: Possess a strong knowledge in the area of mortgage default and/or foreclosure intervention counseling, specifically relating to the current industry practices of loss mitigation to include loan repayment, forbearance, modification, refinance, loan assumption, short sale, deed-in-lieu, community referrals and other remedies available to the homeowner to avoid foreclosure. The counselor should understand the structure of the primary and secondary markets, the collection and loss mitigation functions of those entities collecting mortgage payments, financial management and budgeting, and be familiar with state and federal regulations regarding the foreclosure process. The counselor should possess the skills to obtain pertinent client information, analyze financial and property data and draft a comprehensive written action plan (see Exhibit E) based on the client's goals outlining the recommendations for foreclosure avoidance or sale.

- **Recommended Benchmark:** Individuals new to the field of foreclosure intervention counseling should obtain appropriate orientation, introductory level training and prerequisite curricula during the initial six months of employment.

- **Recommended Benchmark:** Those counselors new to foreclosure intervention and default counseling should (prior to seeing clients) be involved in an on-the-job training/coaching/mentoring program for at least 90 days.
- 2. Skills:** Exhibit professional communication (written and verbal), organizational, listening, customer service, cultural competency and time management skills. Foreclosure Intervention Counselors must demonstrate a hands-on knowledge of the remedies available to the homeowner to avoid foreclosure including negotiation and critical thinking skills, and demonstrate an ability to provide timely crisis counseling to families in need.
- 3. Training:** As soon as possible but no later than within 12 months of being hired, foreclosure intervention counselors will obtain minimum training equivalent to no less than 30 hours of facilitated instruction, utilizing a variety of methods including lecture, interactive, demonstration, on-line and case study.
- **Recommended Benchmark:** Those counselors new to foreclosure intervention and default counseling should (prior to seeing clients) be involved in an on-the-job training/coaching/mentoring program for at least 90 days. To best meet the client's needs in this highly specialized field, facilitated training in foreclosure intervention and default counseling should be completed within six months and no later than one year to obtain the competency and skills listed under the Core Operating Standards.

4. **Certification:** Certification is considered critical in the industry. Subsequent to the requisite training, a comprehensive exam consisting of approximately 100 questions must be administered with a demonstrated proficiency of 80% passing. The exam will cover foreclosure intervention counseling competency content meeting the standards listed under the Core Operating Standards and demonstrated in the related activities identified in Exhibit D herein.

- **Recommended Benchmark:** Certification should be completed as soon as reasonably possible, but no later than within 18 months of employment.

5. **Continuing Education:** Complete a minimum of 10 hours of continuing education annually in subjects primarily related to the core content and delivery of foreclosure intervention and default counseling.

- **Recommended Benchmark:** Professional certification continuing education requirements may meet or exceed this standard.

6. **Foreclosure Intervention Counseling Operations:** Implement effective program operations for foreclosure counseling including techniques, outreach and marketing of services available to the community, partnership building with private sector partners including servicers and lenders, fundraising, customer service, customer tracking, reporting, program evaluation and program design.

- **Recommended Benchmark:** These skills can be obtained through training and experience.



7. **Code of Ethics and Conduct Statement:** Sign and adopt the written National Industry Standards Code of Ethics and Conduct policy that specifically addresses any real and apparent conflicts of interest, guidelines for professional behavior, privacy and confidentiality, payment for services, consultation, referrals, quality assurance and integrity.

Performance Standards

1. **Delivery:** Perform individual, personalized foreclosure intervention and default counseling to clients.

- **Recommended Benchmark:** Content, delivery and format of the counseling is tailored to meet the needs of the client. Content and delivery should be done in a culturally competent manner and in the preferred language of the client. Use of a translator or referral to an agency that provides adequate service in the appropriate language is recommended.

- **Recommended Benchmark:** Clients should be counseled immediately (if possible) particularly when there is a high degree of certainty

that foreclosure is imminent. At a minimum, upon request, clients should receive acknowledgement of inquiry within 48 hours of initial contact. When initial contact is made, clients should be assessed to determine the status of the client's mortgage and client urgency. Those clients that have a high degree of foreclosure risk should be prioritized for appointments.

- **Recommended Benchmark:** Foreclosure intervention counselors must complete appropriate intake of client information to make proper and timely recommendations to the client to assist in avoiding foreclosure. Counselors must provide a comprehensive written action plan (see Exhibit E) to the client summarizing a statement of the problem, steps to be taken by the client, steps to be taken by the counselor and the timeline necessary to accomplish these tasks.
- **Recommended Benchmark:** Foreclosure intervention counselors should always instruct the client of the importance of making and keeping contact with the lender. Where possible, the counselor should attempt to contact the lender on



behalf of the client to assess status and to further inform the lender of the proposed recommendations as specified in the written action plan (see Exhibit E).

- **Recommended Benchmark:** Active, open client files should be closely monitored, with timely follow-up in accordance with the stated action plan. When no contact from the client has taken place for three consecutive months, the file may be classified as inactive.
 - **Recommended Benchmark:** Where there is no mortgage delinquency, foreclosure intervention counselors should provide basic financial management or credit counseling and encourage further homeownership education as a deterrent to future mortgage default.
 - **Recommended Benchmark:** Client satisfaction surveys are used to evaluate the effectiveness of the counseling.
2. **Expected Counseling Outcome:** Upon completion of foreclosure intervention counseling, clients will understand the various options available to assist them to avoid foreclosure, the need to keep constant communication with their lender and will have received a written action plan (see Exhibit E) outlining the necessary steps to achieve their desired objectives. After counseling, if the client determines that either they cannot afford to keep their home or no longer desire to keep their home, they will receive information relative to each of these options and how this action might result in civil and/or tax liability.



- **Recommended Benchmark:** Foreclosure intervention counselor should collect pertinent information as outlined in Exhibit D.
 - **Recommended Benchmark:** Comprehensive, effective delivery should be determined based upon the individual needs of the client to reach their desired outcome. The minimum standard for delivery of individual foreclosure intervention counseling should be at least one session of at least 30-60 minutes, utilizing either face-to-face or telephone counseling.
- 3. Recordkeeping:** Collect and maintain specific information from clients in accordance with all laws and governing organizations (i.e., HUD, Intermediary, etc.)
- **Recommended Benchmark:** An intake form should be completed and collected with client profile information to include contact information, services sought/provided, household size, ethnicity (optional), and household income. Additional information to collect from the client is outlined in Exhibit D.
 - **Recommended Benchmark:** Aggregate information for clients should be maintained including total number of persons served and other demographic information.

- **Recommended Benchmark:** A checklist should be utilized to ensure files are consistently maintained and meet reporting standards and quality assurance.
 - **Recommended Benchmark:** Files should be maintained in secured file cabinets and/or electronically in a secure data system in order to protect client privacy.
 - **Recommended Benchmark:** Files should be maintained for a minimum of three years. Longer file retention requirements may be required if the household has received grant or loan assistance through state or federal subsidy programs. At the time of disposal, files should be shredded or electronic copies should be deleted.
- 4. Reporting:** Utilize an electronic Client Management System for collecting and reporting data.
- **Recommended Benchmark:** An electronic method in place for collecting reporting data may be as basic as an Excel spreadsheet or Access database application that captures needed data fields from each client, but *preferably* should be a software application compliant with HUD's CMS vendor list or equivalent. Visit www.hud.gov and refer to HUD's CMS vendor list.
- 5. Service Thresholds:** Establish referral networks for individuals and families seeking services that the foreclosure intervention counselor does not provide or possess sufficient competency to adequately and effectively deliver.

- **Recommended Benchmark:** The Department of Housing and Urban Development (HUD) maintains a list of organizations and corresponding services (www.hud.gov). In addition,

legal aid, tax professionals and other state or local agencies that may provide needed services aligned with foreclosure intervention including rescue funds should be sought.

Exhibit D

Minimum Standard Activities for Foreclosure Intervention and Default Counseling

Activities
Perform intake by gathering baseline information from client including: <ol style="list-style-type: none"> Client's goals/intent Reason for delinquency or default Client's financial situation and possibility of workout Client's loan type Home's value/condition Credit report Original loan documents, if available Demographic information: contact information, household size, household income, ethnicity (optional), etc.
Assess client's mortgage, payment status and urgency in the delinquency and foreclosure process
Develop loss mitigation options
Communicate with the servicer*
Submit loss mitigation package to servicer*
Negotiate with junior lien holders and Homeowners Association*
Create written action plan for foreclosure avoidance or client's preference
Provide follow up to client
Provide client with contact information for additional community services that might be available

* When Applicable. Foreclosure Counseling can include a range of the activities depending on the client's financial situation and the severity of the mortgage delinquency. Specifically, activities 4, 5 and/or 6 vary and may not always be performed for a client.

Exhibit E

Foreclosure Intervention Counseling— Recommended Content for Written Action Plan

Recommended Features of the Action Plan

State briefly why the homeowner is delinquent or in danger of becoming delinquent, including the involuntary inability to pay, unexpected increase in expenses, decrease in income, loan reset and/or other factor.

Include an assessment of the property's condition and a discussion and calculation of equity, if any.

Include a financial assessment that leads to the recommendations for resolving the delinquency (assuming that the client wants to and can afford to keep the house). Otherwise, discuss foreclosure in general, sale of the property, deed in lieu, short sale and possible tax consequences and/or deficiency judgment issues.

State what steps the homeowner will take to resolve the delinquency and what steps the counselor will take to assist in this process.

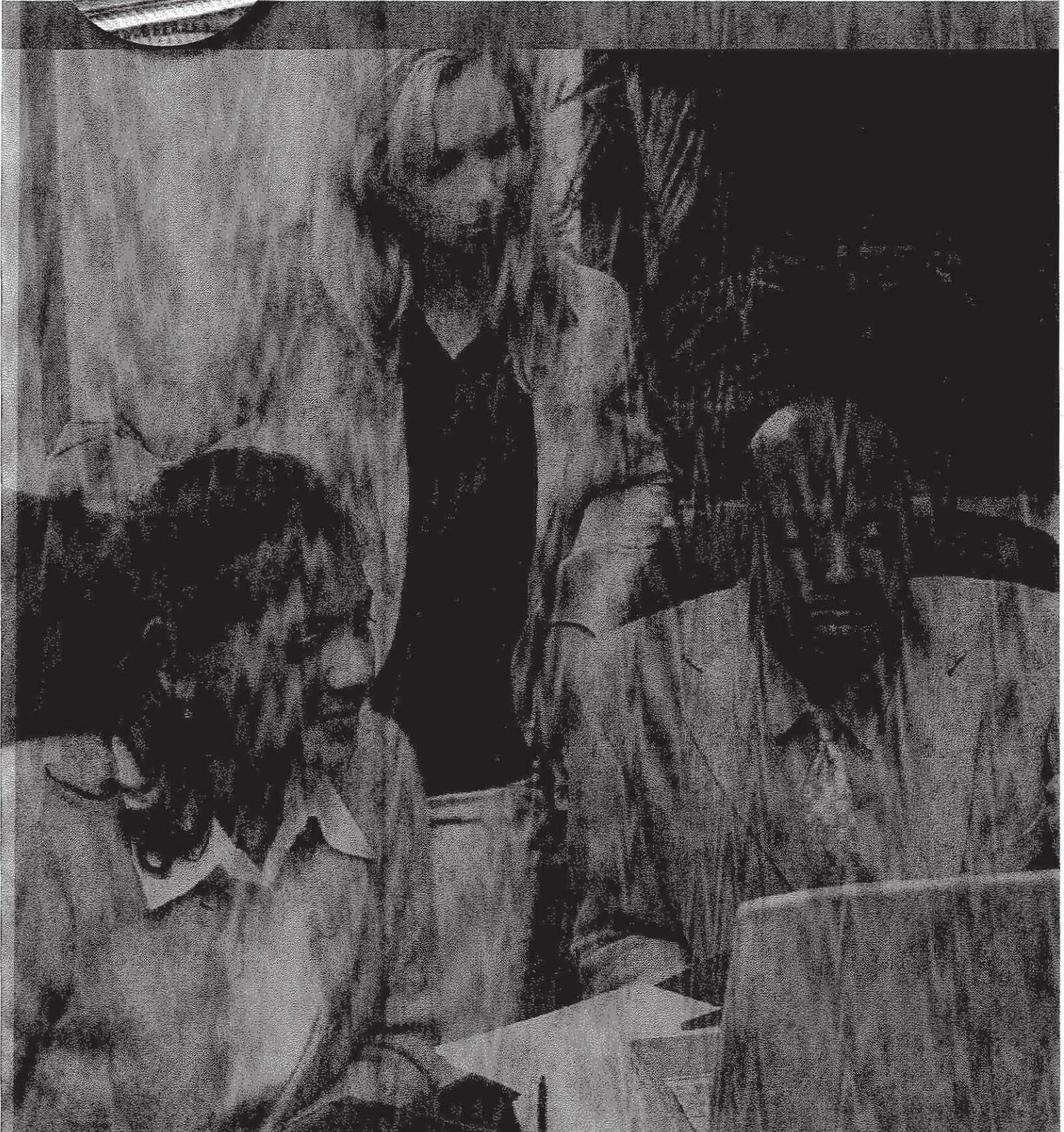
Include other contact information for community referrals which may be able to assist the client.

Issue the Action Plan within 24 hours of counseling session (and immediately if face-to-face)





National Industry Standards Code of Ethics and Conduct for Homeownership Professionals





The National Industry Standards Code of Ethics and Conduct for Homeownership Professionals* is a voluntary, self-governing standard for professional performance/conduct for homeownership counselors and educators that provide homeownership education and counseling services to consumers.

The Code of Ethics and Conduct for Homeownership Professionals offers a set of values and principles to guide conduct and decision-making in the homeownership education and counseling field. Homeownership professionals who adhere to the Code of Ethics and Conduct agree to provide quality education and counseling to clients.

How to Utilize the National Industry Standards Code of Ethics and Conduct:

Counselors and Educators: The National Industry Standards Code of Ethics and Conduct should be adopted by counselors and educators and adhered to in their daily business operations. For more information on how to demonstrate adoption of these documents, visit www.homeownershipstandards.com.

Organizations: Organizations providing homeownership education and/or counseling services are encouraged to adopt the Code of Ethics and Conduct and ensure compliance with these ethics by their counselors and educators.

*The National Industry Standards for Homeownership Education and Counseling Code of Ethics and Conduct was developed by a collaborative group of industry partners. The term "Homeownership Professionals" includes both homeownership educators and counselors.

1. Commitment to Clients

- The primary responsibility of homeownership educators and counselors is to provide high-quality education and counseling services to prospective and existing homeowners.
- Homeownership educators and counselors will act on behalf of a client and observe his/her best interests.

2. Client Decision-Making

- Homeownership educators/counselors will provide necessary tools, resources and information to assist their clients in making decisions about finances, home buying or homeownership based on the client's needs and preferences.
- In instances when clients experience literacy or language challenges, homeownership educators/counselors will take steps to ensure clients' comprehension. This shall include arranging for a qualified interpreter or translator or referring the client to a qualified language educator/counselor.

3. Competence

- Homeownership educators/counselors will provide services only within the boundaries of their education, training, certification or other relevant professional experience. Referrals will be provided to clients when essential services are beyond the scope of the individual or agency to provide.
- Homeownership educators/counselors shall be culturally competent in their service area and sensitive to cultural differences and needs.

4. Conflicts of Interest

- Homeownership educators/counselors will avoid actual and the appearance of conflicts of interest. They will inform clients when a real or potential conflict of interest arises and take all necessary steps to resolve the issue in a manner that makes the clients' interests primary and protects clients' interests. In some cases, protecting clients' interests may require termination of the professional relationship with proper referral of the client.
- Homeownership educators/counselors will not take unfair advantage of any professional relationship or exploit others to further their personal, religious, political or business interests.
- Any potential conflicts of interest (such as a counseling agency providing low-cost loans), will be disclosed to clients in a written disclosure document.

5. Privacy and Confidentiality

- Homeownership educators/counselors will respect clients' right to privacy. Private information will not be requested from clients unless it is critical to providing services. Once private information is shared, privacy laws apply as well as client confidentiality.
- Homeownership educators/counselors will disclose confidential information only as specified by a valid written consent of client.
- Homeownership educators/counselors will not discuss confidential

information in any setting unless privacy can be ensured. Counselors and educators will abide by privacy laws and keep information confidential and protected.

- Homeownership educators/counselors will not disclose clients' information, including their identity, when responding to requests from members of the media without the client's express consent.
- Homeownership educators/counselors will protect the confidentiality of clients' written and electronic records and other sensitive information. Clients' records shall be stored in a secure location and not made available to others who are not authorized to have access.
- Homeownership educators/counselors will take precautions to ensure and maintain the confidentiality of information transmitted to other parties through the use of computers, electronic mail, facsimile machines, telephones and telephone answering machines, and other electronic or computer technology. Disclosure of identifying information will be avoided unless specifically permitted by client.



- Homeownership educators/counselors will dispose of clients' records in a manner that protects clients' confidentiality and is consistent with state statutes governing records and social work licensure.
- Homeownership educators and counselors will be familiar with relevant local, regional and national laws regarding privacy and confidentiality.

6. Professional Behavior

- Homeownership educators/counselors will not practice, condone, facilitate, or collaborate with any form of discrimination on the basis of race, ethnicity, national origin, sex, sexual orientation, age, marital status, political belief, religion, or mental or physical disability.
- Homeownership educators/counselors will not use derogatory language in their written or verbal



communications to or about clients. Accurate and respectful language will be used in all communications to and about clients.

- Homeownership educators/counselors will not participate in, condone, or be associated with dishonesty, fraud or deception.
- Homeownership educators/counselors will not permit their private conduct to interfere with their ability to fulfill their professional responsibilities.

7. Payment for Services

- When setting fees, homeownership educators/counselors will ensure that the fees are fair, reasonable and commensurate with the services performed. Clients will be informed of any applicable fees prior to the delivery of any services.
- Homeownership educators/counselors will not solicit a private fee or other personal remuneration for providing services to clients.

8. Discontinuation of Services

- Homeownership educators/counselors will close files and discontinue services to clients when such services are no longer required or no longer serve the clients' needs or interests.

9. Consultation

- Homeownership educators/counselors will seek the advice and counsel of more experienced colleagues whenever such consultation is in the best interests of clients. Consultation

will only be sought from colleagues who have demonstrated knowledge, expertise and competence related to the subject of the consultation.

- When consulting with colleagues about clients, homeownership educators/counselors will disclose the least amount of information necessary to achieve the purposes of the consultation.
- Client information will only be shared with other colleagues with the written consent of the client.

10. Referrals

- Homeownership educators/counselors will limit services to those within their training and expertise and refrain from giving legal, tax or accounting advice unless licensed to do so. Non-homeownership issues should be referred to other appropriate agencies to serve clients fully.
- Homeownership educators/counselors shall not give payment or receive payment from an outside source for a referral unless professional services of comparable value have been provided.

11. Integrity of the Homeownership Education and Counseling Profession

- Homeownership educators/counselors will work toward the maintenance and promotion of high standards of practice for the industry.



- Homeownership educators/counselors will uphold and advance the values, ethics, knowledge and mission of the profession. They will protect, enhance and improve the integrity of the profession through service development, partnerships and active participation in the industry.
- Homeownership educators/counselors will contribute time and professional expertise to activities that promote respect for the value, integrity and competence of their profession.



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LEARN HOW TO ADOPT National Industry Standards for Homeownership Education and Counseling

Unifying the industry on the issue of education and counseling standards is the first step to achieving that goal on a national level. An organization can make the commitment to incorporate the National Industry Standards in their day-to-day business practices to help promote a high level of consistency and quality in homeownership education and counseling nationwide.

Your organization can adopt the Standards by following these simple steps:

- ❶ Go online to www.homeownershipstandards.com. Select the **Sign Up** button from the homepage (the executive director or a high-ranking decision-maker for your organization must complete the sign-up form).
- ❷ Download and read through the **National Industry Standards Guidelines and Code of Ethics and Conduct** (each staff member should also read and complete the Code of Ethics and Conduct).
- ❸ Provide **information about your agency** (be sure to include complete training and certification information for each of your counseling staff).
- ❹ **Submit** copies of your staff's training and certification details to:

National Industry Standards
1325 G Street, NW, Suite 800
Washington, D.C. 20005

Or, fax to 202-376-7276, Attn. National Industry Standards.

Upon review and verification of your submittal, you will receive notification of your adoption status. Once approved, your organization's name will be listed as an adopter on the National Industry Standards website and a Certificate of Adoption will be mailed.

If you have questions about the National Industry Standards, call 866-472-9477.

www.homeownershipstandards.com





Advisory Council for the National Industry Standards for Homeownership Education and Counseling

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The National Industry Standards for Homeownership Education and Counseling were developed in a collaborative effort by a diverse group of housing industry partners to meet the need for quality counseling and education services that strengthen long-term homeownership.

Bank of America

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Chrysalis Consulting Group, LLC

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Consumer Credit Counseling Services of San Francisco

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The Advisory Council for the National Industry Standards for Homeownership Education and Counseling was convened by the NeighborWorks® Center for Homeownership Education and Counseling (NCHEC).

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Cora Fulmore, Mortgage & Credit Center, Vice-Chair

Jayna Bower, NeighborWorks® America, Director, NCHEC

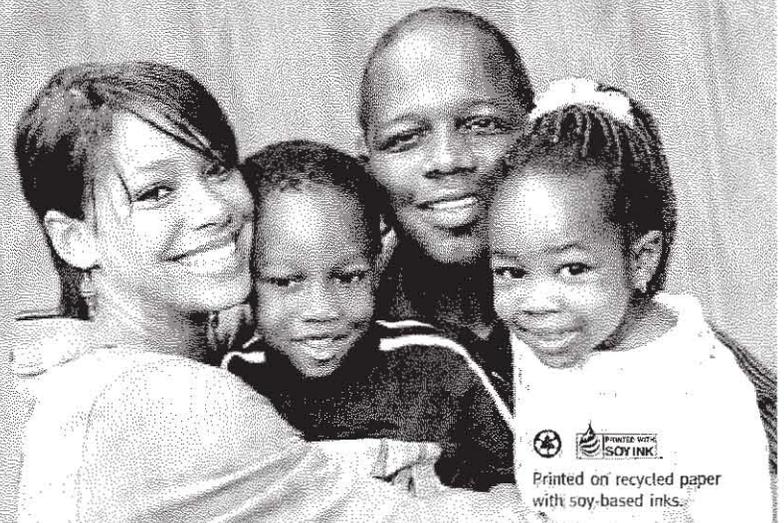
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