

Paperwork Reduction Act Submission

Please read the instruction before completing this form. For additional forms or assistance in completing this forms, contact your agency's Paperwork Reduction Officer. Send two copies of this form, the collection instrument to be reviewed, the Supporting Statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 Seventeenth St. NW, Washington, DC 20503.

1. Agency/Subagency Originating Request: U.S. Department of Housing and Urban Development Office of RESPA/ILS		2. OMB Control Number: a. <input type="checkbox"/> 2502 b. <input checked="" type="checkbox"/> None	
3. Type of information collection: (check one) a. <input checked="" type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change , of previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change , of previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note item A2 of Supporting Statement instructions.		4. Type of review requested: (check one) a. <input checked="" type="checkbox"/> Regular b. <input type="checkbox"/> Emergency - Approval requested by c. <input type="checkbox"/> Delegated 5. Small entities: Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 6. Requested expiration date: a. <input checked="" type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other (specify)	
7. Title: Real Estate Settlement Procedures Act (RESPA) Website Complaint Questionnaire			
8. Agency form number(s): (if applicable) HUD-1974.			
9. Keywords: Housing, RESPA, Good Faith Estimate, Title, Escrow			
10. Abstract: The Real Estate Settlement Procedures Act of 1974 (RESPA), 12 U.S.C. 2601 et seq., and the implementing Regulation, codified at 24 CFR 3500, insure that consumers throughout the Nation are provided with greater and more timely information on the nature and costs of the settlement process and are protected from unnecessarily high settlement charges caused by certain abusive practices. The RESPA Website Complaint Questionnaire will provide a common website for consumers and settlement service providers to assist in the enforcement of RESPA, and will create efficiencies in processing complaints.			
11. Affected public: (mark primary with "P" and all others that apply with "X") a. P Individuals or households e. Farms b. X Business or other for-profit f. Federal Government c. Not-for-profit institutions g. State, Local or Tribal Government		12. Obligation to respond: (mark primary with "P" and all others that apply with "X") a. P Voluntary b. Required to obtain or retain benefits c. Mandatory	
13. Annual reporting and recordkeeping hour burden: a. Number of respondents 1,246 b. Total annual responses 1,869 Percentage of these responses collected electronically 80% c. Total annual hours requested 617 d. Current OMB inventory 0 e. Difference (+,-) +617 f. Explanation of difference: 1. Program change: +617 2. Adjustment:		14. Annual reporting and recordkeeping cost burden: (in thousands of dollars) Do not include costs based on the hours in item 13. a. Total annualized capital/startup costs b. Total annual costs (O&M) c. Total annualized cost requested d. Total annual cost requested e. Current OMB inventory f. Explanation of difference: 1. Program change: 2. Adjustment:	
15. Purpose of Information collection: (mark primary with "P" and all others that apply with "X") a. Application for benefits e. X Program planning or management b. Program evaluation f. Research c. General purpose statistics g. P Regulatory or compliance d. Audit		16. Frequency of recordkeeping or reporting: (check all that apply) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. Reporting: 1. <input checked="" type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe)	
17. Statistical methods: Does this information collection employ statistical methods? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		18. Agency contact: (person who can best answer questions regarding the content of this submission) Name: Ivy M. Jackson Phone: 202-708-0502 ext. 2333	

19. Certification for Paperwork Reduction Act Submissions

On behalf of the U.S. Department of Housing and Urban Development, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9.

Note: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320/8(b)(3) appears at the end of the instructions. The certification is to be made with reference to those regulatory provisions as set forth in the instructions.

The following is a summary of the topics, regarding the proposed collections of information that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It uses plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention periods for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of the information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, or mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to collected (see note in item 19 of the instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of these provisions, identify the item below and explain the reason in item 18 of the Supporting Statement.

Signature of Program Official:

Date:

X
Kevin B. Perkins, Director, Organizational Policy, Planning and Analysis Division, HROA

Signature of Senior Officer or Designee:

Date:

X
Wayne Eddins, Departmental Reports Management Officer,
Office of the Chief Information Officer

Supporting Statement for Paperwork Reduction Act Submissions

Real Estate Settlement Procedures Act (RESPA) Website Complaint Questionnaire

(HUD-1974)

A. Justification

1. The information collection, which consists of voluntary complaints submitted by the public, is being submitted by the Department of Housing and Urban Development as a new collection. Certain disclosures are required for consumers by the Real Estate Settlement Procedures Act (RESPA) of 1974. The statute is found at 12 U.S.C. 2601 et. seq., and the implementing regulations at 24 CFR 3500. The Office of RESPA and Interstate Land Sales (Office) collects complaint information from the public who believe a settlement service provider may have violated the RESPA regulations.

Currently, the Office receives mailed complaints that provide for the complainant's name and phone number, the name, address, and phone number of the alleged violator(s), along with a description of the alleged violation. This information is accepted, but not solicited, by HUD and comes in voluntarily by regular mail. This form of collection often times is incomplete and requires the complainant to mail additional support documentation before the case can be processed.

In fiscal year 2004, the Office of RESPA opened 1,246 cases and closed out 1,273. With the development of the RESPA Website Complaint Questionnaire, it is expected that this number will increase the volume of complaints by providing a common website for consumers and settlement service providers to assist in the enforcement of RESPA. The complaint questionnaire will be specific in its requested support documentation, which will reduce lead time in processing open cases. Specifically, it will request that the complainant provide mandatory information on themselves and the alleged violator(s). Further, specific complaint information is requested via a drop-down list that provides specific information of the alleged RESPA violations. The website will create further efficiencies by automatically providing for an acknowledgement/confirmation letter that the complaint has been received, and provide a complaint number that will be sent to the complainant. The complaint number will provide improved tracking and reduce duplicative efforts. Further, if additional support documentation is required, the complainant can send this information along with a copy of the complaint confirmation letter to the consumer protection compliance specialist, which allows for better tracking and quicker processing.

Further explanations of RESPA, including statutory and regulatory documentation, is available through HUD's web page at: http://www.hud.gov/offices/hsg/sfh/res/respa_hm.cfm , and <http://www.hud.gov/offices/hsg/sfh/res/respamor.cfm>

2. Members of the public may submit complaints to HUD. Generally, these individuals are homebuyers, but may also be real estate brokers, title companies, or mortgage lenders complaining about competitors. The Federal Government will use the disclosed information to investigate alleged violations of RESPA regulations by settlement service providers. Failure of alleged violators to comply with the required statutes and regulations may result in monetary penalties.
3. Currently, initial complaints are sent by regular mail, per instruction on HUD's website at <http://www.hud.gov/offices/hsg/sfh/res/respamor.cfm>. Until now, the initial complaint filing required handling by multiple support staff prior to the complaint being assigned to a consumer protection compliance specialist. It is anticipated that the RESPA Website Complaint Questionnaire will provide more information, be processed more efficiently, and provide for a substantial reduction of time spent to submit the complaint. The Office of RESPA anticipates an increased volume of complaints from the Website.

4. The information is not collected elsewhere.
5. The collection of this information does not significantly impact small entities. The collection is not intended for small businesses, but as a voluntary submission by the public, normally homebuyers, or by competitive settlement service businesses, again, only on a voluntary basis.
6. The collection of the information is used to pursue violations of the statute, 12 U.S.C. 2601 et seq., and the implementing regulations. The burden on the public is the minimum information necessary to conduct an investigation to determine compliance with the statute. If this information is not provided, the alleged violations cannot be pursued, and the number of violations of RESPA would become more pervasive.
7. The complaint information is reported to the Office of RESPA, and may be used as part of an investigation. There is a three-year statute of limitations for the Secretary to bring an action under Sections 6, 8 and 9 of the Real Estate Settlement Procedures Act, (12 U.S.C. 2601 et seq.). A pledge of confidentiality is noted on HUD's website at <http://www.hud.gov/offices/hsg/sfh/res/respamor.cfm/> where it states under "Filing a RESPA Complaint" the following, "Requests for confidentiality will be honored."
8. This information collection was published in the *Federal Register* to solicit comments from the public in accordance with 5 CFR 1320.8(d). The announcement was published on November 8, 2005 (Vol. 70, No. 215, pages 67736-67737). HUD received comments from the American Land Title Association (ALTA) and the National Association of Mortgage Brokers (NAMB).

Comments: Generally, both commenters expressed support for increased enforcement of RESPA. Their comments expressed concern, however, that the website could become a vehicle that leads to HUD investigations where there may be no real basis for such an investigation or where the complaining party had not taken steps to resolve any issues prior to filing the complaint. Suggestions included requiring any submission of information to be made under oath and/or penalty of prosecution for the submission of intentionally false information, that HUD not open an investigation file before first discussing the submission with the company whose practice has been challenged, and that HUD should take steps to maintain the confidentiality of all such filings and contacts and use them only for the purpose of evaluating whether to investigate the potential RESPA violation being alleged. In cases where public disclosure of information is necessary, HUD should refer to the investigation only by case number.

HUD Response: HUD currently receives complaints from individuals through other means, such as hard copy mail, email, and telephone calls. HUD intends to process complaints received through the website in the same manner as all other complaints.

Additionally, HUD solicited comments from individuals who have recently filed complaints. Below is a summary of each individual and his input:

- A realtor found the RESPA website informative and easily represented. He suggests that HUD continue to simplify the process by using electronic format for all submissions. One suggestion was to use Mongofax, a business that takes hard copy faxes, and then reformats and re-sends to a receiver's email.
 - A private individual found the information on how to submit easily represented on HUD's RESPA website.
 - A mortgage broker found the RESPA website informative. He was not aware of using the RESPA mailbox for answers to his questions.
9. There are no payments or gifts to respondents.

10. On HUD’s RESPA website at <http://www.hud.gov/offices/hsg/sfh/res/respamor.cfm> / the following is noted, “Confidentiality of information is assured pursuant to Federal Regulations 24CFR15.3”.

11. There is no information of a sensitive nature being requested.

12. Estimated public burden:

The Number of respondents submitting additional support documentation is estimated at 50 percent of total respondents submitting complaints.

Information Collection	Number of Respondents	Frequency of Response	Total Annual Responses	Burden Hours Per Response	Total Annual Burden Hours	Hourly Cost	Total Annual Cost
RESPA Website Complaint Questionnaire	1,246	1	1,246	.33 (20 min)	411	\$19.23	\$7,904
Support Documentation	623	1	623	.33 (20 min)	206	\$19.23	\$3,961
Total	1,246		1,869		617		\$11,865

Hourly rate is based on Internet research of middle-income salaries. The range is \$30,000 to \$50,000. Using \$40,000 as the average middle-income salary, the hourly rate is \$19.23/hour.

13. There are no additional costs to respondents.

14. Estimate annualized costs to the Federal government.

Information Collection	Responses Per Annum	Hours Per Response	Total Annual Hours	Hourly Cost	Total Annual Cost
RESPA Website Complaint Questionnaire	1,246	.33 (20 min)	411	\$35.95	\$14,775
Support Documentation	623	.33 (20 min)	206	\$35.95	7,406
Total	1,869		617		\$22,798

The cost is estimated using the prevailing wage scale of a GS 13, Step 1, as the average wage rate category for the Office of RESPA’s consumer protection compliance specialist.

15. This is a new collection. While HUD accepts, but does not solicit, complaints from the public, there has been no specific format or required information to date. Implementation of the website questionnaire will standardize the information collected from the public. The annual reporting and recordkeeping for the RESPA Website Complaint Questionnaire reflects an estimated burden for a new submission.

16. The results of the information collection will not be published.

17. HUD is not seeking approval to avoid displaying the expiration date.

18. There are no exceptions to the certification statement identified in item 19 of the OMB-83-I.

B. Collections of Information Employing Statistical Methods

The collection of information does not employ statistical methods.