

**BUREAU OF CONSUMER FINANCIAL PROTECTION  
REQUEST FOR APPROVAL UNDER THE GENERIC CLEARANCE  
COMPLIANCE COSTS AND OTHER EFFECTS OF REGULATIONS  
(OMB Control Number: 3170-0032)**

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**PART A: JUSTIFICATION FOR THE INFORMATION COLLECTION**

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**1. TITLE OF INFORMATION COLLECTION:** Housing Counselor/Legal Aid Attorney Survey

**2. PURPOSE:** Section 1022(d) of the Dodd-Frank Act requires the Consumer Financial Protection Bureau (Bureau) to conduct an assessment of each significant rule or order adopted by the Bureau under Federal consumer financial law. The Bureau is seeking information to support its assessment of its final rule titled “Mortgage Servicing Rules Under the Real Estate Settlement Procedures Act (Regulation X)” (2013 RESPA Servicing Final Rule).<sup>1</sup> The Bureau amended the 2013 RESPA Servicing Final Rule on several occasions before it took effect on January 10, 2014.<sup>2</sup> The Bureau will conduct an assessment of the 2013 RESPA Servicing Final Rule as so amended, which this document refers to as the “2013 RESPA Servicing Rule.” The Bureau published its plan for assessing the 2013 RESPA Servicing Rule in the *Federal Register* on May 11, 2017.<sup>3</sup>

This information collection will allow the Bureau to gather anecdotal, qualitative information from housing counselors and legal aid attorneys about their experiences with the rule. The Bureau seeks to better understand housing counselors’ and legal aid attorneys’ observations on whether various provisions of the rule were effective and how the provisions affected borrower outcomes, such as avoiding foreclosure. The survey asks about respondents’ experiences and opinions using multiple choice questions and free-form text boxes.

This survey is one part of our overall effort to fulfill our obligation to assess the 2013 RESPA Servicing Rule’s effectiveness in meeting its stated goals and the goals in Title X of Dodd-Frank and evaluate the burdens the 2013 RESPA Servicing Rule imposed on regulated entities. As part of its broader information collection related to the assessment, the Bureau has obtained or is working to obtain data from a number of other sources:

- The Bureau is using publicly and commercially available loan-level data to analyze market trends, such as modification and foreclosure timelines.
- The Bureau is collecting loan-level data (stripped of personally identifiable information) from nine or fewer mortgage servicers. These data are not representative of the market, but will help us understand whether the specific rule requirements led to the outcomes the Bureau was seeking with the rule and whether, conversely, some of the rule requirements did not appear to have an impact or had unintended consequences.

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<sup>1</sup> 78 FR 10695 (Feb. 14, 2013).

<sup>2</sup> 78 FR 44685 (July 24, 2013); 78 FR 60381 (Oct. 1, 2013); 78 FR 62993 (Oct. 23, 2013).

<sup>3</sup> 82 FR 21952 (May 11, 2017).

- The Bureau is conducting multi-day site visits with nine or fewer mortgage servicers and 90 minute phone interviews with other small servicers to learn anecdotal, qualitative information about how the rule has affected these servicers’ business and customers.
- The Bureau is working to obtain data on the cost of servicing mortgage loans from trade associations.
- The Bureau’s complaint database gives insight into where consumers may have problems with the rule.

The goal of this survey is to learn about the impacts of the 2013 RESPA Servicing Rule from the perspective of housing counselors and legal aid attorneys who work directly with consumers on mortgage servicing related issues. The Bureau does not expect responses to the survey to be statistically representative of the perspectives of all housing counseling or legal aid attorneys. For example, the rule provided consumers with error resolution rights. In discussing these rights, the Bureau might say, for example, “Of the housing counselors that responded to our survey, x% believe the error resolution rules have not improved outcomes for their clients.”

The Bureau stated in its announcement of the assessment that the Bureau does not plan for the assessment report to contain specific proposals by the Bureau to modify any rules.<sup>4</sup> The Bureau expects that the report will inform it and the public on the effectiveness of the 2013 RESPA Servicing Rule. After the report is complete, the Bureau will evaluate whether to engage in substantive policy development, which could include additional research and development of proposed changes to the rule through the notice and comment process. The Bureau does not intend for this survey or the assessment to alone inform any policy changes.

The Bureau will not make the results of this collection a public-use dataset.

**3. DESCRIPTION OF RESPONDENTS:** The respondents will be housing counselors and legal aid attorneys who have experience assisting clients with mortgage servicing related issues.

**4. TYPE OF COLLECTION (ADMINISTRATION OF THE INSTRUMENT):**

**a. How will you collect the information?** (Check all that apply)

- |  |                                      |
|--|--------------------------------------|
| <input checked="" type="checkbox"/> Web-based or other forms of Social Media | <input type="checkbox"/> Telephone   |
| <input type="checkbox"/> In-person   | <input type="checkbox"/> Mail        |
| <input type="checkbox"/> Small Discussion Group                              | <input type="checkbox"/> Focus Group |
| <input type="checkbox"/> Other, Explain _____                                |                                      |

**b. Will interviewers or facilitators be used?**

- Yes  No  Not Applicable

**5. PERSONALLY IDENTIFIABLE INFORMATION:**

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<sup>4</sup> See the *Federal Register* <https://www.federalregister.gov/d/2017-09361/p-22>.

- a. Is personally identifiable information (PII) collected?  Yes  No
- b. If Yes, is the information that will be collected included in records that are subject to the Privacy Act of 1974?  Yes  No  Not Applicable  
 If applicable, what is the link to the Privacy Impact Assessment (PIA)?

Industry, Expert, and Community Input and Engagement PIA

[https://s3.amazonaws.com/files.consumerfinance.gov/f/documents/20161101\\_cfpb\\_Industry\\_Expert\\_Community\\_Input\\_and\\_Engagement\\_PIA.pdf](https://s3.amazonaws.com/files.consumerfinance.gov/f/documents/20161101_cfpb_Industry_Expert_Community_Input_and_Engagement_PIA.pdf)

- c. If Applicable, has a System or Records Notice (SORN) been published?  
 Yes  No  Not Applicable  
 If yes, cite the SORN. Title: CFPB.022 Market and Consumer Research Records,  
 \_\_\_\_\_  
 \_\_\_\_\_ FR \_77 FR 67802\_\_\_\_\_.

**6. INCENTIVES:**

- a. Is an incentive provided to participants?  Yes  No
- b. If Yes, provide the amount or value of the incentive? \$\_\_\_\_\_.
- c. If Yes, provide a statement justifying the use and amount of the incentive.

**7. BURDEN HOURS**

Collection of Information	Number of Respondents	Responses per Respondent (Frequency)	Number of Responses	Participation Time (hours)	Burden Hours
Web-based survey	200	1	200	1.0	200
<b>Totals:</b>		////////////////////		////////////////////	

**8. FEDERAL COST:** The estimated annual cost to the Federal government is \$ 0\_\_\_\_\_.

## **PART B: COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS OR CONDUCTING A SURVEY OF FOCUS GROUP**

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**If you are conducting a focus group, survey, or plan to employ statistical methods, please provide answers to the following questions:**

### **1. RESPONDENT UNIVERSE AND SELECTION METHODS**

- a. Do you have a customer list or something similar that defines the universe of potential respondents and do you have a sampling plan for selecting from this universe?**

Yes       No

- b. If the answer is Yes, please provide a description below (or attach the sampling plan). If the answer is No, please provide a description of how you plan to identify your potential group of respondents and how you will select them.**

The Bureau will identify potential respondents from various sources, including the Bureau's existing industry knowledge, the publicly available list of U.S. Department of Housing and Urban Development (HUD) approved housing counseling agencies, state housing finance agencies, and publicly available sources of information on legal service providers.

- c. The selection of your targeted respondents. Provide a description of how you plan to identify your potential group of respondents and how you will select them.**

The Bureau will attempt to select at least 600 potential respondents from the sources above that represent a diversity of geographic and market segments. The Bureau will send an email with a link to the web-based survey to these selected agencies.

### **2. INFORMATION COLLECTION PROCEDURES**

The Bureau will send selected housing counselors and legal aid attorneys a link to a web-based survey by email. The survey attached as Exhibit A will be developed into a web-based survey that uses skip logic (i.e. allows certain questions to be skipped if a respondent indicates certain questions are not applicable to them).

### **3. METHODS TO MAXIMIZE RESPONSE RATES AND ADDRESS ISSUES OF NON-RESPONSE**

This collection of information will not employ statistical methods and, therefore, issues of non-response and non-response bias analyses are not applicable. It is worth noting, however, that the Bureau will only receive responses from individuals that agree to participate.

#### **4. TESTING OF PROCEDURES OR METHODS**

Not applicable.

#### **5. CONTACT INFORMATION FOR STATISTICAL ASPECTS OF THE DESIGN**

Methodologies are consistent with collections of information approved under this generic clearance.

**Exhibits:**

Exhibit A: Housing counselor and legal aid attorney survey

## PART C: CERTIFICATIONS

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### **CERTIFICATION PURSUANT TO 5 CFR 1320.9, AND THE RELATED PROVISIONS OF 5 CFR 1320.8(b)(3) :**

By submitting this document, the Bureau certifies the following to be true:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It uses plain, coherent, and unambiguous terminology that is understandable to respondents;
- (d) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (e) It indicates the retention period for recordkeeping requirements;
- (f) 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 information;
  - (iii) Burden estimate;
  - (iv) Nature of response (voluntary);
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (g) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected;
- (h) It uses effective and efficient statistical survey methodology; and
- (i) It makes appropriate use of information technology.

### **CERTIFICATION FOR INFORMATION COLLECTIONS SUBMITTED UNDER THIS GENERIC INFORMATION COLLECTION PLAN**

By submitting this document, the Bureau certifies the following to be true:

- The collection is voluntary.
- The collection is low-burden for respondents and low-cost for the Federal Government.
- The collection is non-controversial and does not raise issues of concern to other federal agencies.
- Information gathered will not be used solely for the purpose of substantially informing influential policy decisions.
- The collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the future.
- The results will not be used to measure regulatory compliance or for program evaluation.

