

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### **Reorganization of the Department of General Services**

The Executive Board approved a reorganization of the Department of General Services effective December 22, 2015.

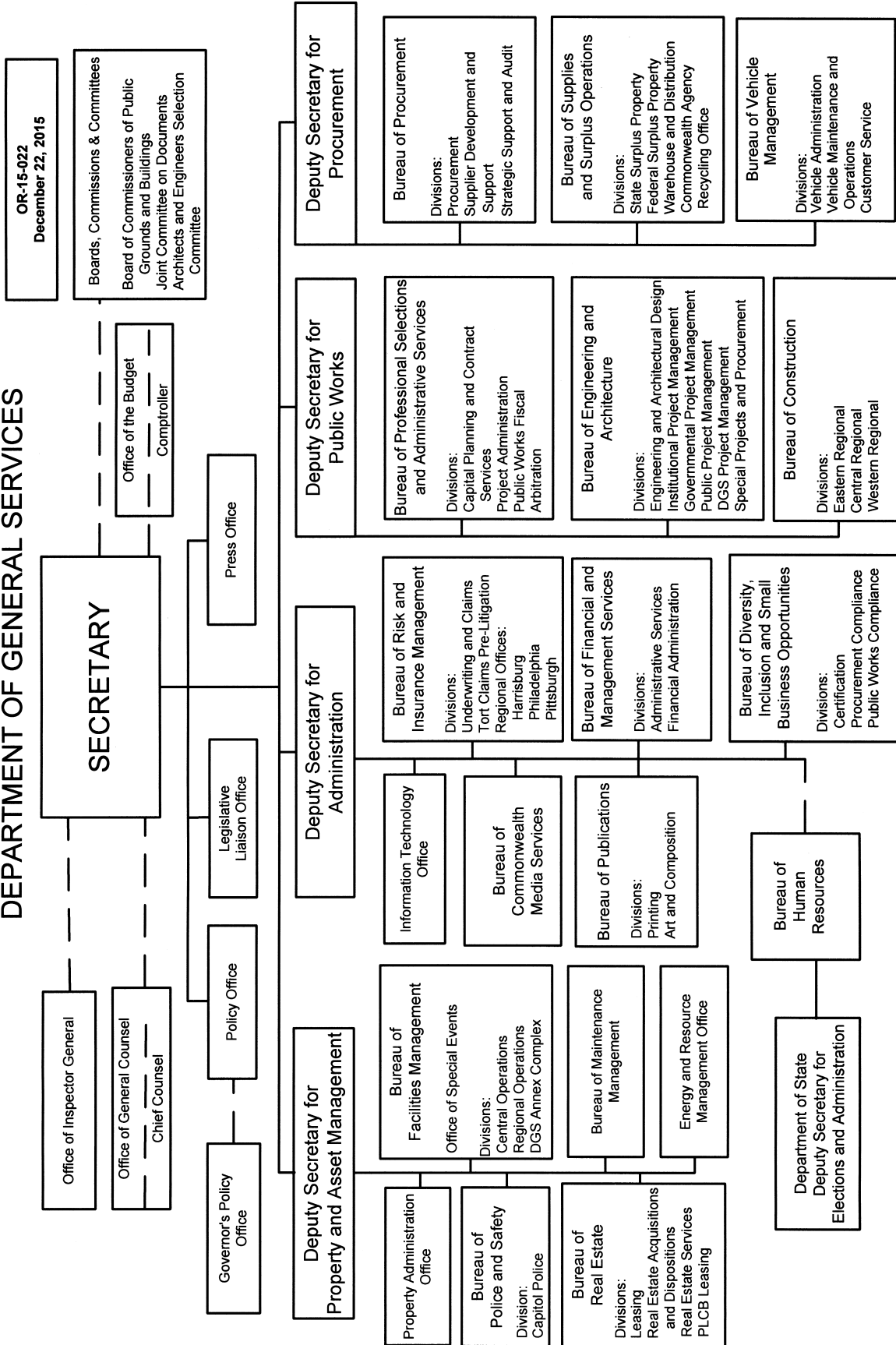
The organization chart at 46 Pa.B. 220 (January 9, 2016) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 16-43. Filed for public inspection January 8, 2016, 9:00 a.m.]

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DEPARTMENT OF GENERAL SERVICES



# HOUSING FINANCE AGENCY

[ 12 PA. CODE CH. 31 ]

## Homeowner's Emergency Mortgage Assistance Program; Proposed Amendments

The Housing Finance Agency (Agency) proposes to amend Chapter 31, Subchapter B (relating to policy statement on Homeowner's Emergency Mortgage Assistance Program).

### *History*

The Homeowner's Emergency Mortgage Assistance Program (HEMAP) was established by the act of December 23, 1983 (P. L. 385, No. 91) (Act 91). The HEMAP is designed to provide emergency mortgage assistance to homeowners facing foreclosure because of circumstances beyond their control. Assistance is provided in the form of a loan. The amount of the loan will be sufficient to bring the homeowner's delinquent mortgages current and, in addition, the Agency may provide continuing monthly mortgage assistance, as needed by the homeowner, for a period of time as prescribed by Act 91. Act 91 contains notice requirements that lenders shall follow prior to foreclosure, prescribes procedures that a homeowner shall follow in applying to the Agency for mortgage assistance and prohibits a lender from conducting foreclosure proceedings during the application process. Act 91 requires repayment of the mortgage assistance loan based upon the financial ability of the homeowner.

On February 21, 1984, the members of the Board of the Agency adopted initial guidelines to implement the HEMAP under the authority of section 401-C(b) of the Housing Finance Agency Law (35 P. S. § 1680.401c(b)), which provides in part, that the Agency shall adopt initial program guidelines and may revise the Guidelines whenever appropriate. The initial guidelines were published at 14 Pa.B. 723 (March 3, 1984). The members of the Board of the Agency adopted the following amendments to the guidelines: October 18, 1985, published at 16 Pa.B. 2126 (June 14, 1986); May 12, 1994, published at 24 Pa.B. 3224 (July 2, 1994); 29 Pa.B. 2859 (June 5, 1999); 38 Pa.B. 4859 (August 30, 2008), effective September 6, 2008. Under the Agency's authority to revise the statement of policy, the Agency proposes to make further amendments to the policy statement and the uniform notice.

### *Summary of Changes*

In general, the proposed statement of policy incorporates several program clarifications and makes amendments to the uniform Act 91 Notice. The most significant proposed amendments:

- Relocate the existing parameters for mortgagees' reimbursement of fees and costs by the Agency from Chapter 31 to the Agency's web site to enable the Agency to update the parameters on a more frequent basis.
- Clarify eligibility requirements for homeowners subject to an installment sales contract or agreement.
- Establish the requirements for receiving emergency mortgage assistance for an inherited property.
- Replace current Appendix A, which sets forth the uniform Act 91 Notice that lenders are required to send to homeowners who are delinquent in their home mortgages. The proposed Act 91 Notice retains its status as a

combined notice and continues to retain the information required under the act of March 14, 1978 (P. L. 11, No. 6) (Act 6). The proposed amendments significantly reduce and streamline the content of the Act 91 Notice and contain two pages. The first page describes the HEMAP and how a homeowner may obtain an application for assistance, in addition to other rights prescribed by Act 6. The proposed Act 91 Notice also includes an Account Summary, where mortgagees provide homeowner account and default information.

- Require mortgagees to send both English and Spanish language versions of the first page of the Act 91 Notice.
- Provide guidance on implementing the revised Act 91 Notice.

### *Fiscal Impact*

The Agency does not anticipate any fiscal impact from the proposed amendments to the statement of policy.

### *Effective Date*

The proposed amendments to Chapter 31 will not become effective until publication of the final-form statement of policy in the *Pennsylvania Bulletin* after consideration of comments received, with a prospective effective date.

### *Public Comment*

The Agency invites interested persons to submit comments, suggestions or objections, in writing only, regarding the proposed amendments to Rebecca Peace, Chief Counsel, Housing Finance Agency, 211 North Front Street, Harrisburg, PA 17101, fax (717) 780-3905, HEMAPComments@phfa.org. Written comments will be received and considered through February 12, 2016.

BRIAN A. HUDSON, Sr.,  
*Executive Director*

**Fiscal Note:** 39-11. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT

##### PART I. GENERAL ADMINISTRATION

##### Subpart D. HOUSING FINANCE AGENCY

##### CHAPTER 31. HOUSING FINANCE AGENCY

##### Subchapter B. POLICY STATEMENT ON HOMEOWNER'S EMERGENCY MORTGAGE ASSISTANCE PROGRAM

### § 31.201. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Consumer credit counseling agency*—A nonprofit corporation or governmental entity located in this Commonwealth which has been designated by the Agency to provide Homeowner's Emergency Mortgage Assistance Program counseling. A qualified consumer credit counseling agency shall either be certified as a housing counseling agency by the **United States** Department of Housing and Urban Development or otherwise be determined acceptable by the Agency. A list of counseling agencies approved by the Agency is set forth in Appendix C. This list was last updated and includes all changes through **[ August 1, 2008 ]** \_\_\_\_\_, 2016. Future up-

dates of this list will only appear on the Agency's web site[ , ] at www.phfa.org[ , ] and will be updated on a [ regular ] periodic basis as changes occur.

\* \* \* \* \*

*Reasonable attorneys' fees and costs*—Fees for legal services and reasonable and necessary costs related thereto, which are actually incurred by a mortgagee, in commencing or pursuing an action of mortgage foreclosure [ and which meet the following requirements or limitations: ]. The Agency will reimburse lenders for reasonable attorneys' fees and reasonable and necessary costs related thereto, which are actually incurred by a mortgagee, in commencing or pursuing an action of mortgage foreclosure and which meet the requirements or limitations on the Agency's web site at www.phfa.org.

[ (i) The agency will reimburse lenders for attorneys fees, only after receipt of a detailed, itemized statement showing services rendered, dates and time spent. The agency will reimburse lenders based upon an hourly rate of up to \$100 per hour or other reasonable hourly rate as may be established by the agency and published by the agency in the *Pennsylvania Bulletin*. The agency will average in attorney, and paralegal- or legal assistant- time actually billed to the lender in calculating the hourly rate.

(ii) When the foreclosure action was instituted by the lender, not contested by the homeowner, and proceeded to judgment, the agency may reimburse the lender for attorney fees in an amount equal to the amount established by the Federal National Mortgage Association (Fannie Mae) for its lenders in this Commonwealth, for a standard, completed, uncontested foreclosure, without requiring an itemization of services rendered.

(iii) The agency will reimburse lenders for attorney fees or costs incurred in connection with a bankruptcy filed by the homeowner, only if the fees or costs were incurred after the sending of the notice required by the act.

(iv) The agency will reimburse lenders for attorney fees or costs only if the lender has provided the notice required by the act and the services were not rendered or costs incurred after an applicant has been approved for a mortgage assistance loan by the agency and the lender has been notified of the approval.

(v) The agency will reimburse lenders for the cost of an appraisal of the property only if the homeowner was untimely in making application to the agency and the appraisal was procured after judgment was rendered in the foreclosure action.

(vi) Prior to the commencement of an action in mortgage foreclosure, the agency will reimburse lenders attorneys' fees and costs in an amount which may not exceed the sum of \$50.

(vii) Attorneys' fees and costs will not be allowed, nor be the subject of reimbursement by the Agency, if the services are rendered or the costs incurred prior to or during the 30-day notice period required by section 403 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 403), known as the Usury Law.

(viii) Attorneys' fees and costs will not be allowed nor be the subject of reimbursement by the agency,

if the services are rendered or the costs incurred during the notice and application periods when the homeowner is protected by a stay against legal action as imposed by sections 402-C and 403-C of the act (35 P. S. §§ 1680.402c and 1680.403c). Section 402-C of the act prohibits a mortgagee from entering judgment by confession pursuant to a note accompanying a mortgage and from proceeding to enforce the obligation without giving notice and following the procedures provided in the act. ]

*Total housing expense*—The sum of the mortgagor's monthly mortgage payments, including escrows, utility costs, hazard insurance expenses, real property taxes and, in the case of cooperatives and condominiums, the maintenance expense shall consist of the monthly amount the unit is assessed for the maintenance of common elements.

§ 31.202. Eligibility for mortgage loan assistance.

\* \* \* \* \*

(b) A mortgage which is insured under **Subchapter II** of the National Housing Act (12 U.S.C.A. §§ [ 1701—1715z-18 ] 1707—1715z-25) and mortgages where the secured property is used primarily for commercial or business purposes are not eligible for assistance.

\* \* \* \* \*

(d) A mortgagor is not eligible for a mortgage assistance loan if [ one ] any of the following [ applies ] apply:

(1) The mortgage is more than 24 months delinquent or in default for more than 24 months under the terms of the mortgage.

\* \* \* \* \*

(g) The homeowner shall meet all of the following requirements:

\* \* \* \* \*

(5) All owners of the residence shall [ be applicants for the mortgage assistance loan and ] execute—either personally or through a valid power of attorney—the mortgage and other related loan documents required by the [ agency ] Agency, except as follows:

(i) When the residence is [ jointly owned by a husband and wife ] owned as tenants by the entirety by spouses who are separated and the applicant is occupying the mortgaged premises.

(ii) When the residence is jointly owned by [ a former husband and wife ] former spouses, who are divorced, and the applicant, who is occupying the mortgaged premises, is unable to locate [ his ] a former spouse or the applicant is unable to obtain [ his ] a former spouse's consent to join in the application or sign the [ agency's ] Agency's loan documents.

(6) When an individual has acquired the residence through inheritance, is able to demonstrate ownership of the residence, has assumed the mortgage and is occupying the mortgaged premises, the individual may be eligible for mortgage assistance provided that all other eligibility criteria are fulfilled. When more than one individual acquires a residence through inheritance, all owners of the residence shall execute—either personally or

through a valid power of attorney—the mortgage and other related loan documents required by the Agency.

(7) When an applicant is subject to an installment sales contract or agreement, the applicant is eligible for mortgage assistance provided that the record owner, when the applicant is not the record owner, executes the mortgage and all other loan documents required by the Agency, subject to all other eligibility criteria.

**§ 31.203. Notice; application procedures.**

(a) Before a mortgagee accelerates the maturity of a mortgage obligation, commences legal action including mortgage foreclosure to recover under the obligation, or takes possession of a security of the mortgage debtor for the mortgage obligation, the mortgagee is required to give notice in [ the ] accordance to the guidance and form set forth in Appendix A, subject to the following requirements as updated periodically on the Agency's web site at [www.phfa.org](http://www.phfa.org):

[ (1) The notice shall be sent by first class mail to the last known address of the homeowner and if different, to the residence which is the subject of the mortgage. The notice shall also be sent by registered or certified mail.

(2) The notice should be sent at the point the homeowner is at least 60 days contractually delinquent in his mortgage payments or is in violation of other provisions of the mortgage. ]

(1) Except for the entry of the date at the top of each page and the entry of the relevant homeowner account information on the Account Summary, the notice shall be sent without modification or alteration of its form or substance. Notices may not appear on company letterhead. Other changes including formatting changes to font or type size or the alteration of language contained in the body of the notice are not permitted.

(2) The portion of the notice entitled Account Summary may be amended to include the relevant homeowner's complete account information only. The mortgagee may increase or decrease the height of cells within the table to accommodate the homeowner account information specifically indicated. In no circumstance may a mortgagee add or remove any additional fields or cells. Fields that do not apply to a homeowner's account shall be filled "Not Applicable" or "N/A."

(3) Each notice must include both the English and Spanish language versions set forth in Appendix A, with the Spanish language version appearing on the reverse side of the English language version.

(4) The notice shall be sent:

(i) By first class mail to the last known address of all homeowners and, if different, the residence which is the subject of the mortgage.

(ii) By registered and certified mail.

(iii) Without any other information or materials.

(iv) If using a window mailing envelope, with either of the following:

(A) An addressed single sheet of plain white paper.

(B) A mailing insert containing either the last known address of the homeowner.

(5) The notice should be sent at the point the homeowner is at least 60 days contractually delinquent in his mortgage payments or is in violation of other provisions of the mortgage. When the original mortgagor is deceased, mortgagees are encouraged to send the notice to the mortgaged premises at the point that mortgage payments are at least 60 days contractually delinquent.

[ (3) ] (6) A mortgagee is not required to send the notice required by this subchapter (unless the homeowner has cured his mortgage delinquency, by means of a mortgage assistance loan or otherwise) as follows:

\* \* \* \* \*

[ (4) ] (7) Unless the homeowner has cured his mortgage delinquency, by means of a mortgage assistance loan or otherwise, receipt of partial payments of arrears from the homeowner, subsequent to the sending of the notice, does not mean that the mortgagee shall send a new notice to the homeowner prior to legal action being taken to enforce the mortgage.

[ (5) ] (8) A notice sent to the homeowner, while the homeowner was in bankruptcy, shall be valid and no new notice need be provided as a result of any discharge or dismissal of the bankruptcy petition or relief from the automatic stay.

[ (6) ] (9) A notice sent under this subchapter, in the form prescribed in Appendix A, shall be in lieu of any other notice required by State law. If notice is not required to be sent under this subchapter, the mortgagee may still be required to send the 30-day notice required by the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. §§ [ 401—605 ] 101—605), known as the Usury Law.

(b) When the homeowner has been sent a notice as required by this subchapter—see Appendix A—by the lender holding the mortgage, the following apply:

\* \* \* \* \*

(4) If after a face-to-face meeting, the homeowner/mortgagor and mortgagee reach an agreement to resolve the delinquency or default as mentioned in paragraph (1) and if, because of circumstances beyond the homeowner's control, the homeowner is unable to fulfill the obligations of that agreement, the homeowner may apply to the Agency or its authorized agent for homeowner's emergency mortgage assistance payments within 30 days of a default in payment under the agreement previously reached. The mortgagee is not required to send an additional notice under this provision. The Agency [ suggests that ] encourages the mortgagee to advise the homeowner of this provision at the time the forbearance agreement is arranged. If a consumer credit counseling agency is involved, the counseling agency shall notify both the homeowner and the mortgagee of this provision at the time the forbearance agreement is arranged.

(5) An application for assistance may only be obtained from a consumer credit counseling agency. The consumer credit counseling agency will assist the homeowner in preparing and submitting an application. This application shall be [ postmarked or ] filed at the offices of the Agency or at a location designated by the Agency within 30 days of the initial meeting between the homeowner and the consumer credit counseling agency.

\* \* \* \* \*

(11) If the homeowner fails to meet with an approved consumer credit counseling agency within the period specified or fails to meet other time limitations in this subchapter, the mortgagee may take legal action to enforce the mortgage [ **provided, however, that an application for mortgage assistance may be submitted beyond the time periods specified (that is, a "late application")** ]. A homeowner may file a late application and in that case the Agency will make a determination within [ **60-calendar** ] **60 calendar** days of receipt of the application. A late application will not prevent the lender from starting and pursuing a foreclosure action, but if the application is eventually approved at any time before a sheriff's sale, the foreclosure must be stopped.

(12) If the Agency determines that the applicant does not qualify for assistance, the following apply:

(i) The applicant may not reapply for assistance for 24 months from the date of **eligibility** determination under a mortgage **obligation** unless there is a material change in the applicant's financial circumstances.

(ii) An applicant who is denied a mortgage assistance loan may request an administrative hearing under [ **§ 31.207 (relating to repayment)** ] **§ 31.209 (relating to appeals)**. This request does not prohibit a mortgagee from pursuing legal action to enforce the mortgage.

\* \* \* \* \*

**§ 31.204. Agency review.**

\* \* \* \* \*

(b) Agency responsibilities include the following:

\* \* \* \* \*

(3) The Agency will determine whether the homeowner has a reasonable prospect of being able to resume full mortgage payments within 24 months after the beginning of the period for which assistance payments are provided by the Agency and of being able to pay the mortgage in full by the maturity date or by a later date agreed to by the mortgagee for completing mortgage payments. If the term of the mortgage matures prior to or during the period of assistance, the mortgagor [ **is still** ] **may still be eligible for assistance under this subchapter, except as provided in § 31.206(d) (relating to reasonable prospect of resuming mortgage payments and paying mortgage by maturity).**

\* \* \* \* \*

**§ 31.205. Financial hardship due to circumstances beyond the homeowner's control.**

\* \* \* \* \*

(c) *Disallowance.* The following circumstances will not be considered by the Agency to be beyond the mortgagor's control:

\* \* \* \* \*

(4) When the homeowner's financial hardship was a result of money mismanagement or an [ **over extension** ] **over-extension** of credit to the homeowner. In this regard, the Agency will consider the following in determining whether the homeowner used prudent financial management:

\* \* \* \* \*

(ii) Debts incurred [ **or** ], expenditures made by the homeowner for non-necessities **or failure to evidence**

**reasonable efforts to modify or reduce expenses** during the financial hardship, which exceeded the homeowner's ability to pay, will be considered evidence of poor financial management.

\* \* \* \* \*

(f) *Information required.* The homeowner shall provide sufficient information, **including tax returns**, to allow the Agency to assess the reasons for the mortgage delinquency. The Agency will base its decision on the information received from the homeowner or other sources. The lack of sufficient information from the homeowner which is reasonably available to the homeowner, or the receipt of knowingly false or misleading information from the homeowner may result in a denial of the application on the merits.

**§ 31.206. Reasonable prospect of resuming mortgage payments and paying mortgage by maturity.**

(a) In general, the Agency will consider all relevant factors when evaluating whether the homeowner has a reasonable prospect of being able to resume full mortgage payments within 24 months after the beginning of the period for which assistance payments are provided the Agency and of being able to pay the mortgage in full by maturity or by a later date agreed to by the mortgagee, including the following:

\* \* \* \* \*

(7) A homeowner's demonstrated ability to make regular monthly mortgage payments, even though those payments represented most of the homeowner's income. In determining whether the homeowner's future job and income prospects will be sufficient to enable the homeowner to pay the mortgage debt—including principal, interest, taxes and insurance—the Agency will take into consideration the amount of household income available to the homeowner **for a reasonable period of time not to exceed 24 months** prior to the circumstances which caused the mortgage delinquency and whether the income was sufficient **as evidenced by documentation, including tax returns. If a homeowner is not required to file taxes, documentation evidencing the exemption shall be provided.**

\* \* \* \* \*

**§ 31.207. Repayment.**

\* \* \* \* \*

(b) The Agency will enter into an agreement with the homeowner for repayment of mortgage assistance plus interest.

(1) Interest shall accrue at the rate of 9% per year except for loans closed starting January 1, 2009, and thereafter, in which case the rate of interest will be determined by the Agency under [ **the provisions of** ] section 406-C(5) of the [ **act** ] **Housing Finance Agency Law (35 P. S. § 1680.406c(5)) and as set forth on the Agency's web site at www.phfa.org.**

\* \* \* \* \*

**§ 31.209. Appeals.**

\* \* \* \* \*

(e) The hearing examiner will notify the appellant as to the [ **time and place** ] **date and time** of the hearing, **as determined by the Agency.** The Agency will attempt to schedule hearings within 30 days after the request is received. The hearing may be conducted by a telephone

conference call. The hearing examiner shall also provide notice to the mortgagees that an administrative appeal has been filed.

\* \* \* \* \*

**§ 31.211. Act 91 Notices; information to be supplied to the Agency.**

**[ (a) General.**

(1) *Notification.* The mortgagee or other person sending the Act 91 Notice shall either send a copy of the notice or information concerning notices sent to the Agency, in the following manner:

(i) *Sending a copy of the notice.* The mortgagee may send an actual copy of each notice sent to the Agency, by one of the following methods:

(A) Regular mail addressed as follows:

PHFA-HEMAP 211 North Front Street P. O. Box 15530 Harrisburg, PA 17105-5530

(B) Facsimile: sent to either of the following fax numbers:

Toll Free: (877) 207-0205 Local calls: 780-4340

(ii) *Electronic mail.* (email): Send a scanned copy to: Act91@phfa.org.

(2) *Electronic reporting.* In lieu of sending an actual copy of each notice as set forth in subparagraph (i), the mortgagee or other person sending the Act 91 Notice may provide the Agency with a report of notices sent listing at least the following information:

(i) The date Act 91 Notice was mailed.

(ii) The name of lender/servicer on whose behalf it was sent.

(iii) Street address of the property being foreclosed upon including its 5 digit or 9 digit zip code (as applicable). ]

(a) *Notification.* The mortgagee or other person sending the Act 91 Notice shall either send a copy of the notice or information concerning notices sent to the Agency in either of the following manners:

(1) *Electronic reporting.* Instead of sending an actual copy of each notice as set forth in paragraph (2), the Agency recommends that the mortgagee or other person sending the Act 91 Notice provide the Agency with a report of notices sent as an e-mail attachment to Act91@phfa.org including the following information and in the following format:

(i) The date of the Act 91 Notice.

(ii) The name of lender/servicer on whose behalf it was sent.

(iii) The street address of the property being foreclosed upon, divided by Address Line 1 and Address Line 2. When there is not an Address Line 2, the field may be left blank.

(iv) The city, state and zip code, including the four-digit zip code extension (if available), of the address being foreclosed upon. If the four-digit zip code extension is not available, this field may be left blank.

Date of Act 91 Notice	Address 1	Address 2	City	State	5-digit zip	4-digit extension	Current Lender
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(2) *Copy of the notice.* The mortgagee may send an actual copy of each notice sent to the Agency by one of the following methods:

(i) Regular mail addressed as follows:

PHFA-HEMAP  
P. O. Box 15530  
Harrisburg, PA 17105-5530

(ii) Overnight mail addressed as follows and hand deliveries to:

PHFA-HEMAP  
211 North Front Street  
Harrisburg, PA 17101

(iii) Facsimile sent to either of the following fax numbers:

Toll free: (877) 207-0205  
Local: (717) 780-4340

(iv) E-mail a scanned copy to Act91@phfa.org.

(b) *Multiple notices.* If more than one notice is sent (such as, when the mortgagors live somewhere other than the mortgaged property or when there are multiple mortgagors and individual notices are sent to each) only one entry should be made in the report since only one property is being foreclosed upon.

(c) *Frequency of reports.* The mortgagee may send a report as set forth in paragraph (2) on a monthly basis, for notices sent during the previous month, or they may send a report on a quarterly basis listing the notices sent during the prior calendar quarter. Quarterly reports shall be sent within 30 days after the end of each calendar quarter.

[ (d) *Format of reports.* Electronic reports sent under paragraph (2), shall be sent as an attachment, by means of an email sent to the above email address using the latest version of EXCEL<sup>®</sup> with the following headings:

Date of Notice	Lender/Servicer	Property Address
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(e) ] (d) *Effective date.* Copies of notices or reports, or both, as set forth in this section shall be sent for notices sent on or after October 1, 2008.

## Appendix A

(Editor's Note: As part of this proposed statement of policy, the Agency is replacing the form in Appendix A, which appears in 12 Pa. Code pages 31-36.4—31-42, serial pages (341930) and (336321)—(336326), with the following form.)

Date: \_\_\_\_\_

**Act 91 Notice** (27 point font, bold)  
**La Notificación de Acto 91\*** (20 point font, bold)

This is an official Act 91 Notice. You are receiving this notice because Pennsylvania law requires mortgage lenders to send it to homeowners facing foreclosure. This notice contains important legal information about your rights and how you can save your home. You may be eligible for state-funded assistance from the Homeowner's Emergency Mortgage Assistance Program (HEMAP), a program of the Pennsylvania Housing Finance Agency (PHFA). (12 point font)

**Save Your Home From Foreclosure**  
 (16 point font, bold)

Applying for HEMAP may temporarily stop your lender from foreclosing. You **must** have a face-to-face meeting with a HEMAP-approved Consumer Credit Counseling Agency **within 33 days** of the date of this notice. This meeting is free and is the only way to apply for HEMAP. A list of approved Counseling Agencies is attached. A list is also available at <http://www.phfa.org/counseling/hemap.aspx>. If after speaking with a Counseling Agency you have further questions about HEMAP, please call 1 (800) 342-2397. Hearing impaired individuals may call (717) 780-1869.

To ensure a timely appointment, please call a Counseling Agency **immediately** to schedule a face-to-face meeting. Take this entire Act 91 Notice, including the attached Account Summary, with you to your face-to-face meeting. A counselor can:

- Help you apply for HEMAP and explain how the program works.
- Talk with your lender about a loan modification or other repayment plan.
- Explain possible options to avoid foreclosure such as loss mitigation, refinancing your loan, selling or transferring your property to a third party or having a third party cure the delinquency on your behalf through a short sale or assumption of mortgage.
- Provide referrals for other assistance, programs or services.
- Explain other rights you may have.

Late HEMAP applications are accepted. A late HEMAP application will not stop your lender from foreclosing. Approval of a late HEMAP application, however, may cure your default and may save your home.

Alternatively, you may save your home from foreclosure by curing your default. That means paying your lender all amounts currently due, including reasonable late charges, attorney fees and other costs and by otherwise fulfilling your mortgage obligations. You may cure the default at any time up to one hour before a Sheriff's Sale.

If you have filed a petition in **bankruptcy**, this notice is provided for informational purposes only and is not an attempt to collect a debt. If you are protected by a bankruptcy filing you may still apply for HEMAP assistance.

\*PARA OBTENGA UNA TRADUCCIÓN DE ESTA NOTICIA DE ACTO 91, LEA EL OTRO LADO DE ESTA PAGÍNA. TAMBIEN PUEDE LLAMAR 1(800) 342-2397 PARA INFORMACIÓN ADICIONAL. (10 point font)

ACT 91 NOTICE

PAGE 1

Date: \_\_\_\_\_

**La Notificación del Acta 91**  
**Act 91 Notice\***

Esta es una notificación oficial del Acta 91. Usted está recibiendo este aviso porque la ley de Pensilvania requiere que los prestamistas hipotecarios la envíen a los propietarios de viviendas que enfrentan ejecuciones hipotecarias. Esta notificación contiene información legal importante sobre sus derechos y cómo puede salvar su casa. Es posible que usted puede ser elegible para recibir asistencia por el programa llamado "Homeowners' Emergency Mortgage Assistance Program" o también el "Programa de Ayuda Hipotecaria de Emergencia para Propietarios" ("HEMAP"), un programa de Pennsylvania Housing Finance Agency o en español conocida como la Agencia de Finanzas de Viviendas de Pennsylvania.

**Salvar Su Casa de una Ejecución Hipotecaria**

Aplicando al programa HEMAP puede detener temporalmente su prestamista de una ejecución hipotecaria. Necesita obtener una cita con una Agencia de Asesoría y Crédito del Consumidor acreditada por HEMAP **dentro de 33 días** de la fecha en esta notificación. Este encuentro es gratuito y es la única forma de solicitar a HEMAP. Se incluye con esta notificación una lista de agencias de asesoramiento aprobadas para aplicar. Una lista también está disponible en <http://www.phfa.org/forms/brochures/spanish/HEMAPBrochureSpanish.pdf>. Si después de hablar con una agencia asesora tiene más preguntas, por favor llame al 1(800) 342-2397. Personas con discapacidad auditiva pueden llamar al (717) 780-1869.

Para garantizar una cita oportuna, por favor llame una agencia asesora **inmediatamente** para reservar una cita cara-a-cara/en persona. Tome esta Notificación Acta 91, incluyendo el Resumen de Cuenta adjunto consigo a la cita cara-a-cara/en persona. Un consejero puede:

- Ayudarle a solicitar a HEMAP y explicar cómo funciona el programa.
- Hablar con su prestamista acerca de una modificación de préstamo o de otro plan de pago.



- Explicarle posibles opciones para evitar la ejecución hipotecaria como mitigación de pérdida, refinanciar su préstamo, vender o transferir su propiedad a un tercero o tener una tercera parte de la curación delincuencia en su favor a través de una venta corta o Asunción de hipoteca.

- Proporcionar referencias de otra ayuda, programas o servicios disponibles en su área.
- Explicarle otros derechos que pueda tener.

Se aceptan solicitudes de HEMAP atrasadas. Una aplicación atrasada no detendrá su prestamista de ejecución hipotecaria. Pero tome en cuenta que la aprobación de una solicitud atrasada de HEMAP puede curar el defecto de atraso, y podría salvar su casa.

Alternativamente, puede salvar su casa de la ejecución hipotecaria por modo de reparo a su incumplimiento y traer la cuenta nuevamente al estado corriente. Esto incluye cargos por morosidad razonables y con los honorarios de abogado, otros costos, y también por cumplimiento con sus obligaciones de hipoteca. Puede reparar el cumplimiento del retraso hasta una hora antes de la venta del alguacil.

Si ha presentado una **petición de quiebra**, esta notificación se proporciona sólo para fines informativos y no es un intento de cobrar una deuda. Si usted está protegido por una declaración de bancarrota puede solicitar asistencia de HEMAP.

\*TO OBTAIN A TRANSLATION OF THIS ACT 91 NOTICE, READ THE OTHER SIDE OF THE PAGE. YOU MAY ALSO CALL 1(800) 342-2397 FOR ADDITIONAL INFORMATION.

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PAGE 2

Date: \_\_\_\_\_

**ACT 91 NOTICE** (12 point font, bold)  
**Account Summary** (12 point font, bold)

**Your Loan Details:** (16 Point Font, Bold)<sup>1</sup>

Name(s) on Account: (12 Point Font) <sup>2</sup>	[Name(s)] The name(s) of the homeowner(s) and any other name appearing on the account; if the notice is being provided to additional parties not appearing on the account, the names of the additional parties shall be included under the names of the homeowner and other names appearing on the account. (12 Point Font) <sup>3</sup>
Address of Mortgaged Property:	[Address] The address of the mortgaged property. [Address]
Account Number:	[Account Number] The account number used by the mortgagee to reference the homeowner's account.

**How to Contact Your Lender:**

Current Lender or Servicer:	[Lender or Servicer Name] The name of the current Lender/Servicer for the account.
Lender or Servicer Address:	[Address] The address of the current Lender/Servicer [Address] for the account.
Lender or Servicer Phone Number:	[Phone Number] The general phone number for the Lender/Servicer (i.e., a 1(800) number).
Contact Person:	[Name] The name of a contact person at Lender/Servicer for the account.
Phone Number:	[Phone Number] The direct phone number for the contact person for the account.
Fax Number:	[Fax Number] The fax number for the contact person for the account.
Email:	[Email Address] The email address for the contact person for the account.

**Default Information:**

Monthly Payments Missed:	[Months missed e.g., Jan. 2014-August 2014]
Total Amount Past Due:	<b>\$(amount(s))<sup>4</sup></b> ; itemize and describe] An itemization of all amounts necessary to cure the delinquency, including fees and costs.

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<sup>1</sup> All Table headings shall appear in 16 point font, bold.

<sup>2</sup> All Field headings shall appear in 12 point font.

<sup>3</sup> All account information shall appear in 12 point font, unless otherwise indicated.

<sup>4</sup> All amounts listed in this field shall appear in 12 point font, bold. The itemization and description of the amounts shall not appear in bold.

Date: \_\_\_\_\_

**How to Cure the Default:**

Within 30 Days of the Date on This Notice:	Pay <b>\${amount}</b> <sup>5</sup> , plus any payment and other charges that have become due to your lender or servicer by cash, cashier’s check, certified check or money order.
Send Payment and Make Payable to:	[Lender or Servicer Name]Lender/Servicer name and [Address]address where the Lender/Servicer receives [Address]payment.
To Cure “Other Default”:	[describe]Action homeowner must take to remedy a default other than a financial default.
Is the Mortgage Assumable?	Language indicating whether the mortgage is assumable. If the mortgage is assumable, the text in this box should read, “Yes, you may sell or transfer your home to a buyer or transferee who will assume the mortgage debt, if all the outstanding payments, charges and attorneys fees and costs are paid prior to or at the sale and if the other requirements of the mortgage are satisfied.” If the mortgage is not assumable, the text in this box should read “No” only.

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[Pa.B. Doc. No. 16-44. Filed for public inspection January 8, 2016, 9:00 a.m.]

\_\_\_\_\_

<sup>5</sup> All amounts listed in this field shall appear in 12 point font, bold.