STATEMENTS OF POLICY HOUSING FINANCE • Changes the formula used

AGENCY

[12 PA. CODE CH. 31]

Homeowner's Emergency Mortgage Assistance Program

The Housing Finance Agency (Agency) proposes to make revisions to the Homeowner's Emergency Mortgage Assistance Program policy statement in 12 Pa. Code 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 General Assembly with the passage of the act of December 23, 1983 (P. L. 385, No. 91) (Act 91). 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 the law. Act 91 contains notice requirements that lenders must follow prior to foreclosure; prescribes procedures that a homeowner must 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 HEMAP adopted initial Guidelines to implement 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 members of the Agency adopted revisions to the guidelines on October 18, 1985, which were published at 16 Pa.B. 2126 (June 14, 1986). The members of the Board of the Agency adopted additional revisions to the guidelines on May 12, 1994, which were published at 24 Pa.B. 3224 (July 2, 1999).

Summary of Changes

In general, the proposed revised policy statement incorporates the amendments to Act 91, which were enacted by the act of December 21, 1998 (P. L. 1248, No. 160) (Act 160). The most significant revisions are summarized as follows:

• Reduces the amount of continuing mortgage assistance available to homeowners from 36 months to 24 months.

• Places a cap on the amount of mortgage assistance available at \$60,000.

• Establishes a minimum monthly co-payment for persons receiving continuing mortgage assistance of \$25 per mortgage being assisted.

• Establishes a minimum monthly repayment for persons who have received a HEMAP loan at \$25 per month per mortgage assisted. • Changes the formula used by the Agency to determine the amount of monthly mortgage assistance and the amount of monthly repayment from a 35% test to a 40% test (Previously, a homeowner's contribution/repayment was set in an amount which would not cause their housing expense to exceed 35% of their net household income).

• Requires that the HEMAP mortgage be in at least 3rd lien position on the property and that no more than two delinquent mortgages can be assisted by the Agency.

• Directs the Agency to redraft the uniform notice that lenders are required to send to homeowners who are delinquent in their home mortgages. The new notice must be in plain language and contain the information required by the act of March 14, 1978 (P. L. 11, No. 6) Act 6 of 1978. Lenders who send the new "combined" notice would not need to send two separate notices.

Act 160 took effect on February 19, 1999, except for the \$25 provisions which were effective on February 1, 1999. The Agency has until June 19, 1999, to publish a new Act 91 Notice. In the meantime, the Act 91 Notice previously published by the Agency will remain in effect.

Public Comment Period

The proposed revised guidelines are being published for comment. They will not become effective until they are published in the *Pennsylvania Bulletin* as final revised guidelines after consideration of comments received.

The Agency invites interested persons to submit comments, suggestions or objections, in writing only, regarding the proposed revisions to the guidelines to: Rebecca Peace, Chief Counsel, Pennsylvania Housing Finance Agency, 2101 North Front Street, P. O. Box 8029, Harrisburg, PA 17105-8029, Fax 717-780-3905.

Written comments will be received and considered through April 30, 1999.

Fiscal Note: 39-9. 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:

* * * * *

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

take into account the actual cost of necessary maintenance and repairs made to the residence when establishing the amount of the contribution or repayment to be required of the homeowner.]

§ 31.202. Eligibility for mortgage loan assistance.
* * * * *

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

(1) The mortgagor is more than [36] 24 months delinquent or in default for more than [36] 24 months under the terms of the mortgage [is not eligible for a mortgage assistance loan].

(2) The aggregate amount of assistance needed to bring the mortgage delinquencies current exceeds \$60,000.

(3) The property is encumbered by more than two mortgages, other than a mortgage filed by the agency to secure repayment of the mortgage assistance loans, or by other liens or encumbrances which would unreasonably impair the security of the Agency's mortgage as determined by the Agency.

* * * *

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

* * * *

(4) Have a reasonable prospect of resuming full mortgage payments within [36 months from the date the Agency receives the application for mortgage assistance] 24 months after the beginning of the period for which assistance payments are provided by the Agency and be capable of making any payments then remaining due on the mortgage in full by the maturity date or a later date to be agreed upon by the mortgagee.

§ 31.203. [Procedures] Notice; application procedures.

(a) **A notice required by this subchapter shall be** sent by first class mail. The notice may also be sent by registered or certified mail. The notice shall be sent separately from the 30-day notice required by the act of January 30, 1974 (P. L. 13, No. 6) (41 P. Š. §§ 401-605), known as the Usury Law, or any other notice required by law to be sent to homeowners who are in default in their mortgage payments. 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 any security of the mortgage debtor for the mortgage obligation, the mortgagee is required to give notice in the form set forth in Appendix A, subject to the following requirements:

(1) The notice shall be sent by first class mail to the last known address of the mortgagor. The notice may also be sent by registered or certified mail.

(2) The notice should be sent at the point the mortgagor is at least 60 days contractually delinquent in the mortgagor's mortgage payments or is in violation of any other provision of the mortgage. (3) A mortgagee will not be required to send the notice required by this subchapter as follows:

(i) To homeowners who do not qualify for mortgage assistance under § 31.202 (a), (b) or (c) (relating to eligibility for mortgage loan assistance).

(ii) To homeowners who are more than 24 months delinquent or in default for more than 24 months under the terms of the mortgage.

(iii) If the aggregate amount of arrearages due to a mortgagee under the terms of the mortgage, without regard to any acceleration under the mortgage including the amount of principal, interest, taxes, assessments, ground rents, hazard insurance, any mortgage insurance or credit insurance premiums, exceeds \$60,000.

(iv) To a homeowner who has already been sent the notice and who did not apply for a mortgage assistance loan, or who applied for a mortgage assistance loan but whose application was denied, or whose mortgage assistance disbursements were terminated by the Agency for any reason.

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

(5) A notice sent to the mortgagor, while the mortgagor 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) A notice sent under this subchapter, in the form prescribed in Appendix A, shall be in lieu of any other notice required by 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), known as the Usury Law.

* * * * *

(c) Payments under this subchapter shall be provided for a period not to exceed 24 months, either consecutively or nonconsecutively, whether the payments are on account of arrears, continuing monthly assistance or any combination thereof, and may not exceed \$60,000 on behalf of any mortgagor.

§ 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 [36 months from the date that the Agency received the application for mortgage assistance] 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 the maturity date or by a later date agreed to by the mortgage for completing mortgage payments. If the term of the mortgage matures prior to or during the period of assistance, the mortgagor is still eligible for assistance under this subchapter.

* * * * *

(c) If the Agency has determined that the homeowner is eligible, and if funds are available, the Agency will do the following:

* * * *

(2) Make payments to the mortgagee on behalf of the homeowner for a period not to exceed **[36 months from the date that the Agency received the application] 24 months after the beginning of the period for which assistance payments are provided by the Agency.** Payments may stop if the Agency determines that, because of changes in the homeowner's financial circumstances, the payments are no longer necessary or because the homeowner no longer meets the eligibility criteria of § 31.202(a)—(f) (relating to eligibility for mort-gagee loan assistance). A recipient of assistance has a duty to inform the Agency of a material change in financial circumstances.

(3) Establish the homeowner's monthly contribution in an amount which does not cause the homeowner's monthly housing expense to exceed [35] 40% of the homeowner's net effective income. Beginning February 1, 1999, and continuing thereafter, a mortgagor approved for continuing monthly mortgage assistance or whose continuing mortgage assistance is approved after being recertified by the Agency, shall pay to the Agency a minimum monthly pay-ment of at least \$25 for each mortgage being assisted. After the [agency] Agency has notified the homeowner in writing of loan approval and, in the case of a continuing loan, of the homeowner's minimum required monthly contribution, the homeowner may agree in writing to contribute a greater percentage of net effective income or to waive receiving continuing monthly disbursements. If the homeowner is approved for continuing monthly mortgage assistance from the Agency in an amount which is less than the combined total of the owner's mortgage payments, the The Agency will determine and collect monthly mortgage contributions from the homeowner to be forwarded to the mortgagee with the Agency's disbursement. **The act** requires the contributions to be received by the Agency at least 7 days before the monthly mortgage payment is due to be paid to the mortgagee. The Agency requires that the contributions | Contributions shall be made at least 15 days before the monthly mortgage payment is due to avoid late charges being imposed by the mortgagee.

(5) Review the homeowner's financial circumstances at least annually to determine the amounts of repayment required, or more frequently, if the homeowner requests so in writing. As a condition of continued assistance or forbearance of the entire amount of assistance, together with interest, becoming immediately due, the homeowner is required to fully disclose a change in the **[owner's]** homeowner's financial circumstances and to cooperate with the Agency in performing its annual review.

(d) As an alternative to monthly assistance payments, the parties may agree to restructuring of future payment requirements or, in cases [where] when the balance of the mortgage is minimal in comparison to the monthly mortgage assistance disbursements to be made [over the 36-

month period], to a purchase of the mortgage by the Agency and an assignment of the mortgage debt to the Agency.

(e) Net income shall be determined as follows:

(1) During the **[3-year]** period that the homeowner may be eligible for assistance, and for purposes of calculating the amount of repayment to be required, the homeowner will not be required to pay more than **[35] 40**% of net effective income toward total housing expenses.

(2) To determine the maximum total housing expense payment, multiply net effective income by [.35].40. If the homeowner's total housing expense is less than [35] 40% of net effective income, the mortgagor shall repay to the Agency the difference between [35] 40% of the mortgagor's net effective income and the mortgagor's total housing expense unless otherwise determined by the Agency after examining the mortgagor's financial circumstances and ability to contribute to repayment of the mortgage assistance.

§ 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:

* * * * *

(3) When the homeowner had sufficient income to pay his mortgage, but failed to do so. In this regard, if the homeowner's total housing expense is less than or equal to $\begin{bmatrix} 35 \end{bmatrix} 40\%$ of net effective income, and no reasonable cause for financial hardship is demonstrated by the homeowner, nonpayment of the mortgage debt will not be considered to be a circumstance beyond the homeowner's control.

* * * *

§ 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 [36 months from the date that the Agency received the application for mortgage assistance] 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:

* * * *

(d) A mortgage will not be assisted unless installments of principal and interest due under the mortgage are structured so that the loan is fully amortized by regular and periodic payments over a designated period of time. A mortgage in which the balance is due upon demand or the balance is due in a lump sum or balloon payment at the end of a term is not eligible for mortgage assistance except as follows:

* * * * *

(2) In cases where the homeowner is in need of continuing monthly mortgage assistance disbursements, the loans are only eligible if the lump sum or balloon payment comes due or the demand may be made more than [36 months from the date the application is received by the Agency] 24 months after the beginning of the period for which assistance payments are provided the Agency.

* * *

*

§ 31.207. Repayment.

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

* * * * *

(2) **[Interest] Except as provided in subsection** (c), interest shall start to accrue when the homeowner begins to make repayment, and will accrue only during the period in which the homeowner is required to make repayment. Interest will not accrue in an amount greater than the amount of repayment required.

* * *

(c) Beginning February 1, 1999, and continuing thereafter, a mortgagor who has received mortgage assistance shall pay to the Agency a minimum monthly repayment of at least \$25 for each mortgage that was assisted. The minimum monthly repayment shall be applied to the principal of the debt and will not result in the accrual of interest on the mortgage assistance loan.

(d) The Agency will require full or partial repayment of the mortgage assistance loan once the mortgagor has established credit to the extent that there is sufficient equity in the property for the mortgagor to be able to refinance their mortgage obligations at reasonable rates and terms as determined by the Agency.

§ 31.209. Appeals.

(a) An applicant who is denied a mortgage assistance loan or an applicant or lender aggrieved by another decision of the Agency in implementing the Homeowner's Emergency Mortgage Assistance **[Payments]** Program may request the Agency to conduct an administrative hearing on that grievance.

* * * * *

(d) Requests for a hearing shall be made in writing and shall be submitted to the Agency within 15 days of the postmark date of the mailing of the decision or determination of the Agency. Requests for hearings shall state the reasons that a hearing is requested and be sent by first class, registered or certified mail to the following address:

Chief Counsel-Appeal Requests Pennsylvania Housing Finance Agency 2101 North Front Street P. O. Box **[8029] 15628** Harrisburg, Pennsylvania 17105.

* * * * *

(*Editor's Note*: As part of this proposal, the Agency is proposing to replace the existing text of Appendix A, which appears at 12 Pa. Code pages 31-32—31-34, serial pages (230800)—(230802), with the following text.)

APPENDIX A (COMBINED ACT 91/ACT 6 NOTICE)

DATE: _____

HOMEOWNER'S NAME(S): _____

PROPERTY ADDRESS: _____

CREDITOR: _____

LOAN ACCT. NO.: _____

YOUR MORTGAGE IS IN DEFAULT FOR THE REASONS SET FORTH IN THIS NOTICE

YOUR LENDER MAY FORECLOSE AND YOU MAY LOSE YOUR HOME.

IF YOU WANT TO SAVE YOUR HOME FROM FORECLOSURE, YOU MUST TAKE ACTION NOW BY EITHER:

1. **CURING THE DEFAULT**—This notice explains the nature of the default and your rights to protect your interest in your home (See Section 403 of the Act of January 30, 1974 (P. L. 13, No. 6), 41 P. S. Section 403); OR

2. <u>APPLYING TO THE HOMEOWNER'S EMERGENCY MORTGAGE ASSISTANCE PROGRAM FOR FINAN-CIAL ASSISTANCE WHICH CAN SAVE YOUR HOME FROM FORECLOSURE AND HELP YOU MAKE FUTURE MORTGAGE PAYMENTS</u>—Read this notice to find out how the program works. <u>You must meet with a Consumer Credit Counseling Agency within 30 days of the date of this notice in order to apply.</u> See Act of December 23, 1983 (P. L. 385, No. 91), 35 P. S. Section 1680.201c—1680.409c. If you need more information, call the Pennsylvania Housing Finance Agency at 1- (800) 342-2397.

LA NOTIFICACION EN ADJUNTO ES DE SUMA IMPORTANCIA, PUES AFECTA SU DERECHO A CONTINUAR VIVIENDO EN SU CASA. SI NO COMPRENDE EL CONTENIDO DE ESTA NOTIFICACION OBTENGA UNA TRADUCCION INMEDITAMENTE LLAMANDO ESTA AGENCIA (PENNSYLVANIA HOUSING FINANCE AGENCY) SIN CARGOS AL NUMERO MENCIONADO ARRIBA. PUEDES SER ELEGIBLE PARA UN PRESTAMO POR EL PROGRAMA LLAMADO "HOMEOWNER'S EMERGENCY MORTGAGE ASSISTANCE PROGRAM" EL CUAL PUEDE SALVAR SU CASA DE LA PERDIDA DEL DERECHO A REDIMIR SU HIPOTECA.

EMERGENCY MORTGAGE ASSISTANCE PROGRAM

YOU MAY BE ELIGIBLE FOR FINANCIAL ASSISTANCE WHICH CAN SAVE YOUR HOME FROM FORECLOSURE AND HELP YOU MAKE FUTURE MORTGAGE PAYMENTS

IF YOU COMPLY WITH THE PROVISIONS OF THE HOMEOWNER'S EMERGENCY MORTGAGE ASSIS-TANCE ACT OF 1983 (THE "ACT"), YOU MAY BE ELIGIBLE FOR EMERGENCY MORTGAGE ASSISTANCE IF YOUR DEFAULT HAS BEEN CAUSED BY CIRCUMSTANCES BEYOND YOUR CONTROL, IF YOU HAVE A REASONABLE PROSPECT OF RESUMING YOUR MORTGAGE PAYMENTS AND IF YOU MEET OTHER ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE PENNSYLVANIA HOUSING FINANCE AGENCY. PLEASE READ ALL OF THIS NOTICE. IT CONTAINS AN EXPLANATION OF YOUR RIGHTS.

TEMPORARY STAY OF FORECLOSURE—Under the Act, you are entitled to a temporary stay of foreclosure on your mortgage for thirty (30) days from the date of this Notice. During that time you must arrange and attend a "face-to-face" meeting with a representative of the creditor or with a designated consumer credit counseling agency. The purpose of this meeting is to attempt to work out a repayment plan or to otherwise settle your delinquency. <u>THIS</u> **MEETING MUST OCCUR WITHIN THE NEXT (30) DAYS.**

HOW TO CONTACT THE CREDITOR:

Phone Number:	

CONSUMER CREDIT COUNSELING AGENCY—If you meet with your creditor or with a consumer credit counseling agency identified in this notice, the creditor may NOT take action against you for thirty (30) days after the date of this meeting. The names and addresses of designated consumer credit counseling agencies for the county in which the property is located are shown on the attached sheet. It is only necessary to schedule one face-to-face meeting. Advise your creditor immediately of your intentions.

APPLICATION FOR MORTGAGE ASSISTANCE—Your mortgage is in default for the reasons set forth in this Notice. If you have tried and are unable to resolve this problem with the creditor, you have the right to apply for financial assistance from the Homeowner's Emergency Mortgage Assistance Program. To do so, you must fill out, sign and file a completed Homeowner's Emergency Assistance Program Application with one of the designated consumer credit counseling agencies listed on the attachment. Only consumer credit counseling agencies have applications for the program and they will assist you in submitting a complete application to the Pennsylvania Housing Finance Agency. Your application MUST be filed or postmarked within thirty (30) days of your face-to-face meeting.

YOU MUST FILE YOUR APPLICATION PROMPTLY. IF YOU FAIL TO DO SO OR IF YOU DO NOT FOLLOW THE OTHER TIME PERIODS SET FORTH IN THIS LETTER, FORECLOSURE MAY PROCEED AGAINST YOUR HOME IMMEDIATELY AND YOUR APPLICATION FOR MORTGAGE ASSISTANCE WILL BE DENIED.

AGENCY ACTION—Available funds for emergency mortgage assistance are very limited. They will be disbursed by the Agency under the eligibility criteria established by the Act. It is extremely important that your application is accurate and complete in every respect. The Pennsylvania Housing Finance Agency has sixty (60) days to make a decision after it receives your application. During that time, no foreclosure proceedings will be pursued against you if you have met the time requirements set forth above. You will be notified directly by the Pennsylvania Housing Finance Agency of its decision on your application.

THE PENNSYLVANIA HOUSING FINANCE AGENCY IS LOCATED AT 2101 NORTH FRONT STREET, POST OFFICE BOX 8029, HARRISBURG, PENNSYLVANIA 17105. TELEPHONE NO. (717) 780-3800 OR 1-800-342-2397 (TOLL FREE NUMBER). PERSONS WITH IMPAIRED HEARING CAN CALL (717) 780-1869.

HOW YOUR MORTGAGE IS IN DEFAULT

NATURE OF THE DEFAULT—The MORTGAGE debt held by the above creditor on your property located at: ______ IS SERIOUSLY IN DEFAULT because:

A. YOU HAVE NOT MADE THE MONTHLY MORTGAGE PAYMENTS. The following amounts are now past due:
Payments of Principal and Interest:
Esčrow charges:
Late charges:
Attorney Fees/costs:
Other charges (explain):
TOTAL AMOUNT PAST DUE:

B. YOU HAVE FAILED TO TAKE THE FOLLOWING ACTION (EXPLAIN): ___

HOW TO CURE THE DEFAULT—You may cure the default within THIRTY (30) DAYS of the date of this notice **BY PAYING THE TOTAL AMOUNT PAST DUE** to the creditor plus any additional monthly payments and late charges which may fall due after the date of this notice and the date you make your payment. Payments must be made either by cash, cashier's check, certified check or money order made payable and sent to:

You can cure any other default by taking the following action within THIRTY (30) DAYS of the date of this letter:

IF YOU DO NOT CURE THE DEFAULT—If you do not cure the default within THIRTY (30) DAYS of the date of this Notice, **the creditor intends to exercise its rights to accelerate the mortgage debt**. This means that the entire outstanding balance of this debt will be considered due immediately and you may lose the chance to pay the mortgage in monthly installments. If full payment of the total amount past due is not made within THIRTY (30) DAYS, the creditor also intends to instruct its attorneys to start a lawsuit to foreclose upon your mortgaged property.

IF THE MORTGAGE IS FORECLOSED UPON—The mortgaged property will be sold by the Sheriff to pay off the mortgage debt. If the creditor refers your case to its attorneys, but you cure the delinquency before the creditor begins legal proceedings against you, you will still be required to pay the reasonable attorney's fees that were actually incurred, up to \$50.00. However, if legal proceedings are started against you, you will have to pay all reasonable attorney's fees actually incurred by the creditor even if they exceed \$50.00. Any attorney's fees will be added to the amount you owe the creditor, which may also include other reasonable costs. If you cure the default within the THIRTY (30) DAY period, you will not be required to pay attorney's fees.

OTHER CREDITOR REMEDIES—The creditor may also sue you personally for the unpaid principal balance and all other sums due under the mortgage.

RIGHT TO CURE THE DEFAULT PRIOR TO SHERIFF'S SALE—If you have not cured the default within the THIRTY (30) DAY period and foreclosure proceedings have begun, you still have the right to cure the default and prevent the sale at any time up to one hour before the Sheriff's Sale. You may do so by paying the total amount plus any late or other charges then due, reasonable attorney's fees and costs connected with the foreclosure sale and any other costs connected with the Sheriff's Sale and by performing any other requirements under the mortgage.

EARLIEST POSSIBLE SHERIFF'S SALE DATE—It is estimated that the earliest date that such a Sheriff's Sale of the mortgaged property could be held would be approximately _____ months from the date of this Notice. A notice of the actual date of the Sheriff's Sale will be sent to you before the sale. Of course, the amount needed to cure the default will increase the longer you wait. You may find out at any time exactly what the required payment or action will be by contacting the creditor. If money is due, such payment must be in cash, cashier's check, certified check or money order made payable to the creditor at the address set forth above.

EFFECT OF SHERIFF'S SALE—You should realize that a Sheriff's Sale will end your ownership of the mortgaged property and your right to occupy it. If you continue to live in the property after the Sheriff's Sale, a lawsuit to remove you and your furnishings and other belongings could be started by the creditor at any time.

OTHER RIGHTS THAT YOU HAVE—You have additional rights to help protect your interest in the property:

YOU ALSO HAVE THE RIGHT:

• TO SELL THE PROPERTY TO OBTAIN MONEY TO PAY OFF THE MORTGAGE DEBT OR TO BORROW MONEY FROM ANOTHER LENDING INSTITUTION TO PAY OFF THIS DEBT.

• TO SELL OR TRANSFER THE PROPERTY SUBJECT TO THE MORTGAGE TO A BUYER OR TRANSFEREE WHO WILL ASSUME THE MORTGAGE DEBT, PROVIDED THAT ALL THE OUTSTANDING PAYMENTS, CHARGES AND ATTORNEY'S FEES AND COSTS ARE PAID PRIOR TO OR AT THE SALE AND THAT THE OTHER REQUIREMENTS OF THE MORTGAGE ARE SATISFIED. CONTACT THE CREDITOR TO DETERMINE UNDER WHAT CIRCUM-STANCES THIS RIGHT MIGHT EXIST.

• TO HAVE THIS DEFAULT CURED BY ANY THIRD PARTY ACTING ON YOUR BEHALF.

• TO HAVE THE MORTGAGE RESTORED TO THE SAME POSITION AS IF NO DEFAULT HAD OCCURRED, IF YOU CURE THE DEFAULT. (HOWEVER, YOU DO NOT HAVE THIS RIGHT TO CURE YOUR DEFAULT MORE THAN THREE TIMES IN ANY CALENDAR YEAR.)

• TO ASSERT THE NONEXISTENCE OF A DEFAULT IN ANY FORECLOSURE PROCEEDING OR ANY OTHER LAWSUIT INSTITUTED UNDER THE MORTGAGE DOCUMENTS,

• TO ASSERT ANY OTHER DEFENSE YOU BELIEVE YOU MAY HAVE TO SUCH ACTION BY THE CREDITOR.

(*Editor's Note*: As part of this proposal, the Agency is proposing to replace the existing text of Appendix C which appears at 12 Pa. Code pages 31-38—31-62, serial pages (230806)—(230830) and replace it with the following text).

APPENDIX C

PENNSYLVANIA HOUSING FINANCE AGENCY HOMEOWNER'S EMERGENCY MORTGAGE ASSISTANCE PROGRAM CONSUMER CREDIT COUNSELING AGENCIES (Rev. 1/99)

ADAMS COUNTY

American Red Cross—Hanover Chapter 529 Carlisle Street Hanover, PA 17331 (717) 637-3768 FAX (717) 637-3294

Financial Counseling Services of Franklin 31 West 3rd Street Waynesboro, PA 17268 (717) 762-3285

Action Housing, Inc. 425 6th Avenue Suite 950 Pittsburgh, PA 15219 (412) 391-1956 or (412) 281-2102 FAX (412) 391-4512

CCCS of Western Pennsylvania, Inc. 309 Smithfield Street Pittsburgh, PA 15222 (412) 471-7584

Urban League Of Pittsburgh Bldg For Equal Opportunity One Smithfield St Pittsburgh, PA 15222-2222 (412) 227-4802 FAX (412) 261-5207

PHFA (Marica Hess) 2275 Swallow Hill Road, Bldg 200 Pittsburgh, PA 15220 (412) 429-2842 FAX (412) 429-2835

CCCS of Western Pennsylvania, Inc. 217 East Plank Road Altoona, PA 16602 (814) 944-8100 (814) 944-5747

Action Housing, Inc. 425 6th Avenue Suite 950 Pittsburgh, PA 15219 (412) 391-1956 FAX (412)-391-4512

Housing Opportunities of Beaver County, Inc. 650 Corporation St, Suite 207 Beaver, PA 15009 (724) 728-7511

Housing Opportunities Inc. 133 Seventh Street P. O. Box 9 McKeesport, PA 15134 CCCS of Western PA 2000 Linglestown Road Harrisburg, PA 17102 (717) 541-1757

Adams County Housing Authority 139-143 Carlisle St Gettysburg, PA 17325 (717) 334-1518 FAX (717) 334-8326

ALLEGHENY COUNTY

Community Action Southwest 22 West High Street Waynesburg, PA 15370 (724) 852-2893

Housing Opportunties 133 Seventh Street McKeesport, PA 15132 (412) 664-1906 Fax (412) 664-0873

Mon-Valley Unemployed Committee 120 East 9th Avenue Homestead, PA 15120 (412) 462-9962

ARMSTRONG COUNTY

Indiana Co Community Action Program 827 Water Street, Box 187 Indiana PA 15701 (724) 465-2657 FAX (724) 465-5118

BEAVER COUNTY

CCCS of Western Pennsylvania, Inc. 971 Third Street Beaver, PA 15009 (724) 774-0798

Mon Valley Unemployed Committee 120 East 9th Avenue Homestead, PA 15120 (412) 462-9962 (412) 462-9964

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BEDFORD COUNTY

Bedford-Fulton Housing Services R. D. 1, Box 384 Everett, PA 15537 (814) 623-9129 FAX (814) 623-7187

Keystone Economic Development Corporation 1954 Mary Grace Lane Johnstown, PA 15901 (814) 535-6556 FAX (814) 539-1688

Weatherization Office 917 Mifflin Street Huntingdon, PA 16652 (814) 643-2343

Budget Counseling Center 247 North Fifth Street Reading, PA 19601 (610) 375-7866 FAX (610) 375-7830

Economic Opportunity Cabinet of Schuylkill County 225 North Centre Street Pottsville, PA 17901 (717) 622-1995 FAX (717) 622-0429

Bedford-Fulton Housing Services R. D. 1, Box 384 Everett, PA 15537 (814) 623-9129 FAX (814) 623-7187

CCCS of Western Pennsylvania, Inc. 217 East Plank Road Altoona, PA 16602 (814) 944-8100 (814) 944-5747

1400 Abington Executive Park Suite 1 Clarks Summit, PA 18411 (570) 587-9163 or (800) 922-9537 FAX (570) 587-9134/9135

9 South 7th Street Stroudsburg, PA 18360 (570) 420-8980 or (800) 922-9537 FAX (570) 420-8981

10 Public Avenue Montrose, PA 18801 (570) 278-3338 or (800) 982-4045 FAX (570) 278-1889

German Street, P. O. Box 389 Dushore, PA 18614 (570) 928-9668 FAX (570) 928-8144

33 Walnut Street Wellsboro, PA 16901 (570) 724-5252 FAX (570) 724-5783 CCCS of Western Pennsylvania, Inc. 217 East Plank Road Altoona, PA 16602 (814) 944-8100 FAX (814) 944-5747 Tableland Services, Inc.

Tableland Services, Inc. 535 East Main Street Somerset, PA 15501 (814) 445-9628 (800) 452-0148 FAX (814) 443-3690

BERKS COUNTY

CCCS of Lehigh Valley 3671 Crescent Court East Whitehall, PA 18052 (610) 821-4011 or (800) 220-2733 (814) only FAX (610) 821-8932 Community Housing Counselor, Inc. P. O. Box 244 Kennett Square, PA 19348 (610) 444-3682 FAX (610) 444-8243

BLAIR COUNTY

Keystone Economic Development Corp 1954 Mary Grace Lane Johnstown PA 15901 (814) 535-6556 FAX (814) 539-1688

Weatherization Office 917 Mifflin Street Huntingdon, PA 16652 (814) 643-2343

BRADFORD COUNTY

CCCS of Northeastern Pennsylvania

31 West Market St. Wilkes-Barre, PA 18702 (570) 821-0837 or (800) 922-9537 FAX (570) 821-1785

1631 South Atherton St, Suite 100 State College, PA 16801 (814) 238-3668 FAX (814) 238-3669

The Trehab Center of Northeastern PA

185 Elmira Street P. O. Box 218 Troy, PA 16947 (570) 297-2101

103 Warren Street, P. O. Box 709 Tunkhannock, PA 18657 (570) 836-6840 FAX (570) 836-6332

931 Main Street Honesdale, PA 18431 (570) 253-8941 FAX (570) 253-4817 Acorn Housing Corporation 846 North Broad Street Philadelphia, PA 19130 (215) 765-1221 FAX (215) 765-1427

Bucks County Housing Group, Inc. 140 East Richardson Avenue Langhorne, PA 19047 (215) 750-4310 FAX (215) 750-4318

HACE 167 Allegheny Ave 2nd Fl Philadelphia, PA 19140 (215) 426-8025 FAX (215) 426-9122

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Action Housing, Inc. 425 6th Avenue Suite 950 Pittsburgh, PA 15219 (412) 391-1956 or (412) 281-2102 FAX (412) 391-4512

Housing Opportunities, Inc. 650 Corporate St, Suite 207 McKeesport, PA 15132 (412) 664-1590 FAX (412) 664-0873

Housing Opportunities Inc. 133 Seventh Street P. O. Box 9 McKeesport, PA 15134 (412) 664-1906 FAX (412) 664-0873

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BUCKS COUNTY

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CCCS of Delaware Valley Trevose Corporate Center 4606 Street Road Trevose, PA 19047 (215) 563-5665

CCCS of Lehigh Valley 3671 Crescent Court East Whitehall, PA 18052 (610) 821-4011 or (800) 220-2733 FAX (610) 821-8932

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CHESTER COUNTY

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CLARION COUNTY

CLEARFIELD COUNTY

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CLINTON COUNTY

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DAUPHIN COUNTY

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280 North Providence Road Media, PA 19063 (215) 563-5665 ACCI 144 E. Dekalb Pike King of Prussia, PA 19406 (610) 971-2210 Pager (610) 973-6219

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ERIE COUNTY

Greater Erie Community Action Committee 18 West 9th Street Erie, PA 16501 (814) 459-4581 FAX (814) 456-0161

FAYETTE COUNTY

Community Action Southwest 22 West High Street Waynesburg, PA 15370 (724) 852-2893

Fayette Co Community Action Agency, Inc. 137 North Beeson Avenue Uniontown, PA 15401 (724) 437-6050 or (800) 427-INFO FAX (412) 437-4418

CCCS Of Western PA 199 Edison Street Uniontown, PA 15401 (724) 439-8939

FOREST COUNTY

Warren-Forrest Counties Economic Opportunity Council 204 Liberty Street Post Office Box 547 Warren, PA 16365 (814) 726-2400 FAX (814) 723-0510

Financial Services Unlimited 31 West 3rd Street Waynesboro, PA 17268 (717) 762-3285

CCCS of Western Pennsylvania, Inc. 912 South George Street York, PA 17403 (717) 846-4176

Community Action Commission of Captial Region 1514 Derry Street Harrisburg, PA 17104 (717) 232-9757 FAX (717) 234-2227

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FRANKLIN COUNTY

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American Red Cross—Hanover Chapter 529 Carlisle Street Hanover, PA 17331 (717) 637-3768 FAX (717) 637-3294

Urban League of Metropolitan Hbg 2107 N. 6th Street Harrisburg, PA 17101 (717) 234-5925 FAX (717) 234-9459

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FULTON COUNTY

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Weatherization Office 917 Mifflin Street Huntingdon, PA 16652 (814) 643-2343

GREENE COUNTY

Mon-Valley Unemployed Committee 120 E. 9th Avenue Homestead, PA 15120 (412) 462-9962 FAX (412) 462-9964

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HUNTINGDON COUNTY

CCCS of Western Pennsylvania, Inc. 217 East Plank Road Altoona, PA 16602 (814) 944-8100 FAX (814) 944-5747

INDIANA COUNTY

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1st Federal Plaza-Suite 406 North Mill Street New Castle, PA 16101 (724) 652-8074

Shenango Valley Urban League, Inc. 601 Indiana Avenue Farrell, PA 16121 (724) 981-5310 CCCS of Western PA 219-A College Park Plaza Johnstown, PA 15904 (814) 539-6335

JEFFERSON COUNTY

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JUNIATA COUNTY

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LACKAWANNA COUNTY

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LANCASTER COUNTY

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CCCS of Northeastern Pennsylvania

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PIKE COUNTY

CCCS of Northeastern Pennsylvania

31 West Market Street POB 1127 Wilkes-Barre, PA 18702 (570) 821-0837 or (800) 922-9537 FAX (570) 821-1785

9 South 7th Street Stroudsburg, PA 18360 (570) 420-8980 or (800) 922-9537 FAX (570) 420-8981

Northern Tier Community Action Corp. 135 West 4th Street Emporium, PA 15834 (814) 486-1161 FAX (814) 486-0825

Budget Counseling Center 247 North Fifth Street Reading, PA 19601 (610) 375-7866 FAX (215) 375-7830

Commission on Econ Opptunity of Luz Co. 163 Amber Lane Wilkes-Barre, PA 18702 (717) 826-0510 or (800) 822-0359 FAX (717) 829-1665—Call Before Faxing (717) 455-4994 Hazelton FAX (717) 455-5631—Call Before Faxing (717) 836-4090 Tunkhannock

CCCS of Western Pennsylvania, Inc. 2000 Linglestown Road Harrisburg, PA 17102 (717) 541-1757 FAX (717) 731-9589 Community Action Commission of the Capital Region 1514 Derry Street Harrisburg, PA 17104 (717) 232-9757 FAX (717) 234-2227

Bedford-Fulton Housing Services R. D. 1, Box 384 Everett, PA 15537 (814) 623-9129 FAX (814) 623-7187

CCCS of Western Pennsylvania, Inc. 1 North Gate Square 2 Garden Center Drive Greensburg, PA 15601

Tableland Services Inc. 535 East Main Street Somerset, PA 15501 (814) 445-9628 or (800) 452-0148 FAX (814) 443-3690 1400 Abington Executive Park Suite 1 Clarks Summit, PA 18411 (570) 587-9163 or (800) 922-9537 FAX(570)587-9134/9135

POTTER COUNTY

SCHUYLKILL COUNTY

Econ Opport Cabinet of Schuylkill Co. 225 North Centre Street Pottsville, PA 17901 (717) 622-1995 FAX (717) 622-0429 CCCS of Lehigh Valley

P. O. Box A Whitehall, PA 18052 (610) 821-4011 FAX (610) 821-8932

SNYDER COUNTY

Urban League of Metropolitan Harrisburg 2107 North 6th Street Harrisburg, PA 17101 (717) 234-5925 FAX (717) 234-9459

SOMERSET COUNTY

Keystone Economic Development Corp 1954 Mary Grace Lane Johnstown, PA 15901 (814) 535-6556 FAX (814) 539-1688

CCCS of Western PA 219-A College Park Plaza Johnstown, PA 15904 (814) 539-6335

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CCCS of Northeastern Pennsylvania

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The Trehab Center of Northeastern PA

German Street, P. O. Box 389 Dushore, PA 18614 (570) 928-9668 FAX (570) 928-8144

931 Main Street Honesdale, PA 18431 (570) 253-8941 FAX (570) 253-4817

7 Lake Avenue, Box 339 Montrose, PA 18801 (570) 278-3338 or (800) 982-4045 FAX (570) 278-1889

SUSQUEHANNA COUNTY

CCCS of Northeastern Pennslyvania

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Lycoming-Clinton Co Comm For Comm Action (STEP) 2138 Lincoln Street P. O. Box 1328 Williamsport, PA 17703 (570) 326-0587 FAX (717) 322-2197

Greater Erie Community Action Committee 18 West 9th Street Erie, PA 16501 (814) 459-4581 FAX (814) 456-0161

CCCS of Western Pennsylvania, Inc. YMCA Building 339 North Washington Street Butler, PA 16001 (412) 282-7812

Booker T. Washington Center 1720 Holland Street Erie, PA 16503 (814) 453-5744 FAX (814) 453-5749

Warren-Forrest Counties Economic Opportunity Council 1209 Pennsylvania Avenue, West P. O. Box 547 Warren, PA 16365 (814) 726-2400 FAX (814) 723-0510

Action Housing, Inc. 425 6th Avenue Suite 950 Pittsburgh, PA 15219 (412) 391-1956 or (412) 281-2102 FAX (412) 391-4512

CCCS of Western Pennsylvania, Inc. 1 North Gate Square 2 Garden Center Drive Greensburg, PA 15601 (724) 838-1290

Housing Opportunities, Inc. 133 Seventh Street McKeesport, PA 15132 (412) 664-1590 FAX (412) 664-0873

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UNION COUNTY

CCCS of Western Pennsylvania, Inc. 217 E. Plank Road Altoona, PA 16602 (814) 944-8100 FAX (814) 944-5747

VENANGO COUNTY

John F. Kennedy Center, Inc 2021 East 20th Street Erie, PA 16510 (814) 898-0400 FAX (814) 898-1243

WARREN COUNTY

Greater Erie Community Action Committee 18 West 9th Street Erie, PA 16501 (814) 459-4581 FAX (814) 456-0161

WASHINGTON COUNTY

Community Action Southwest 22 West High Street Waynesburg, PA 15370 (724) 852-2893

53 N. College Street Washington, PA 15301 (724) 222-8292

Mon-Valley Unemployed Committee 120 E. 9th Avenue Homestead, PA 15120 (412) 462-9962 FAX (412) 462-9964

WAYNE COUNTY

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WESTMORELAND COUNTY

Community Action Southwest 22 West High Street Waynesburg, PA 15370 (724) 852-2893

199 Edison Street Uniontown, PA 15401 (724) 439-8939

Indiana Co. Community Action Program 827 Water Street, Box 187 Indiana, PA 15701 (724) 465-2657 FAX (724) 465-5118

Mon-Valley Unemployed Committee 120 East 9th Avenue Homestead, PA 15120 (412) 462-9962 FAX (412) 462-9964

WYOMING COUNTY

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1746

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YORK COUNTY

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CCCS of Western Pennsylvania, Inc 912 South George Street York, PA 17403 (717) 846-4176

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