

## New RESPA Rule FAQs

(New items are in **bold**)

### Table of Contents

General .....	3
GFE .....	5
GFE – General.....	5
GFE – Seller paid items.....	9
GFE – Interest rate expiration .....	9
GFE – Expiration.....	10
GFE – Denial.....	10
GFE – Written list of providers.....	10
GFE – “Changed circumstances” .....	11
GFE – New construction .....	15
GFE – Page 1.....	15
GFE – Name of originator.....	15
GFE – Important dates .....	16
GFE – Summary of your loan .....	18
GFE – Escrow account information .....	19
GFE – Page 2.....	20
GFE – Block 1 .....	20
GFE – Block 2.....	21
GFE – Block 3.....	22
GFE – Block 4.....	22
GFE – Block 5 .....	23
GFE – Block 11 .....	23
GFE – Page 3.....	24
GFE – Tradeoff table.....	24
Reverse Mortgages .....	24
Average Charge .....	28

2) **Q:** Where should the charge for flood insurance go on the new GFE?

**A:** Flood insurance is a type of insurance that would protect the property from loss. The charge for flood insurance should be itemized in Block 11 on the GFE and included in the Block 11 total.

### **GFE – Page 3**

#### **GFE – Tradeoff table**

1) **Q:** Are loan originators required to complete the Tradeoff table?

**A:** The loan originator must complete the left-hand column (“The loan in this GFE”) of the Tradeoff table with the information pertaining to the loan as shown on page 1 of the GFE. The loan originator, at its option, may also complete the remaining sections in the Tradeoff table with the same information showing an alternate loan with a higher interest rate and one with a lower interest rate, if the loan originator has those loans available and would issue a GFE based on the same information provided by the applicant. The alternative loans must use the same loan amount and be identical to the loan in the GFE except for the interest rate and closing costs.

2) **Q:** If a loan originator offers an adjustable interest rate (ARM) loan in which interest rate related charges may also be used to affect the margin of the loan; will the loan originator be prohibited from using the tradeoff table because of the different margin?

**A:** The loan originator is required to complete only the left hand column on the tradeoff table, with information respective to the loan terms and settlement charges contained on the GFE. If the loan originator chooses to complete the remaining columns in the tradeoff table, the alternative loans must use the same loan amount and must be otherwise identical to the loan offered, including the margin.

### **Reverse Mortgages**

1) **Q:** Reverse mortgages do not have a “loan amount.” Rather there is an initial principal limit. In the loan summary section on the GFE and on page 3 of the HUD-1, what is considered the initial loan amount on a reverse mortgage?

**A:** The initial loan amount on a reverse mortgage is the initial principal limit.

2) **Q:** Reverse mortgages do not have a “loan amount”; rather there is an initial principal limit. What is considered the loan amount for purposes of Line 202 on page 1 of the HUD-1?

**A:** The initial principal limit is considered to be the loan amount for purposes of completing Line 202 on page 1 of the HUD-1 and should be listed outside of the borrower’s

column. If there is an initial draw, the description of the initial draw may be listed on a blank line in Lines 204- 209 with the amount in the borrower's column.

The example below illustrates how this answer would appear:

202. Principal amount of new loan(s)	\$120,000.00	
203. Existing loan(s) taken subject to		
204. Initial draw		\$32,000.00

3) **Q:** In a reverse mortgage, the loan becomes due upon the occurrence of a specified event, such as the death of the borrower or the borrower no longer occupying the property for a certain period of time. What should be entered on the GFE and HUD-1/1A forms for the loan term?

**A:** If the loan term is conditioned upon a specific event in the future and the timing of that event is not known at the time the GFE is issued and the HUD-1 is prepared, (e.g. a reverse mortgage), the loan originator may enter "Not Applicable" or "N/A" for the loan term.

4) **Q:** Typically, there are no payments due on a reverse mortgage until the termination event occurs and the entire amount becomes due. What should reverse mortgage lenders fill in for "Your initial monthly amount owed for principal, interest, and any mortgage insurance is \_\_\_\_\_"?

**A:** If no loan payment for principal, interest or mortgage insurance is due for a reverse mortgage until a termination event occurs, the loan originator may enter either "Not Applicable" or "N/A" for the initial monthly payment in the appropriate spaces on the GFE and the HUD-1.

5) **Q:** In a reverse mortgage, how should the loan originator complete the answer to the question, "Even if you make payments on time, can your loan balance rise?"

**A:** In a typical reverse mortgage the loan balance will rise through accrued interest and future disbursements, if any, to the borrower. In these types of loans the box checked must indicate that the loan balance could rise. However, the maximum to which the loan balance can rise is not typically known with a reverse mortgage, and this maximum may be reported as "Unknown".

The example below illustrates how this answer would appear:

Even if you make payments on time, can your loan balance rise?	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes, it can rise to a maximum of \$ Unknown
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6) **Q: In a reverse mortgage, how should the loan originator complete the answer to the question on the GFE, “Even if you make payments on time, can your monthly amount owed for principal, interest, and any mortgage insurance rise?”**

**A: If no loan payment is due for principal, interest and mortgage insurance until a termination event occurs on a reverse mortgage, the loan originator may check the box “No” as the answer to the question, “Even if you make payments on time, can your monthly amount owed for principal, interest, and any mortgage insurance rise?” on the GFE.**

7) **Q: In a reverse mortgage, the loan is typically repaid after a termination event occurs and is repaid in one payment. Does the repayment of a reverse mortgage constitute a balloon payment for purposes of answering the question, “Does your loan have a balloon payment?” in the “Summary of your loan terms” on the GFE?**

**A: No, the repayment of a reverse mortgage, if the payment is due solely because a termination event occurred, is not considered a balloon payment for purposes of the GFE and HUD-1 disclosure.**

8) **Q: If a governmental loan program requires a borrower to select an “approved” service provider, such as a HUD approved housing counselor, should the service be disclosed in Block 3 or Block 6 on the GFE?**

**A: Even if a governmental loan program requires a borrower to select from only “approved” service providers (such as HUD approved housing counselors) the service must be disclosed in Block 6 on the GFE. If the loan originator selects a particular settlement service provider, the service must be disclosed in Block 3.**

**(Please note that the answer above also applies to other loan programs, see GFE – Page 2, #1.)**

9) **Q: If the lender will establish an arrangement whereby the lender/servicer will pay items such as property taxes or homeowner’s insurance from a portion of the principal limit on a reverse mortgage, should the loan originator check the “Yes, you have an escrow account. It may or may not cover all of these charges. Ask us.” in the escrow account information section on page 1 of the GFE?**

**A: Yes. If the lender will establish an arrangement whereby the lender/servicer will pay items such as property taxes or homeowner’s insurance from a portion of the principal limit on a reverse mortgage, the loan originator should check “Yes, you have an escrow account. It may or may not cover all of these charges. Ask us.” in the escrow account information section on page 1 of the GFE.**

**The example below illustrates how this answer would appear:**

Some lenders require an escrow account to hold funds for paying property taxes or other property-related charges in addition to your monthly amount owed of \$ "N/A" .

Do we require you to have an escrow account for your loan?

No, you do not have an escrow account. You must pay these charges directly when due.

Yes, you have an escrow account. It may or may not cover all of these charges. Ask us.

**10) Q: For a reverse mortgage, should the loan originator complete the GFE with the initial interest rate to be contained in the Note or the expected rate in the “Important dates” section on page 1 of the GFE, “The interest rate for this GFE is available through \_\_\_\_\_. After this time, the interest rate, some of your loan Origination Charges and the monthly payment shown below can change until you lock your interest rate.”?**

**A: The loan originator should disclose the initial interest rate to be contained in the Note in the “Important dates” section on page 1 of the GFE, “The interest rate for this GFE is available through \_\_\_\_\_. After this time, the interest rate, some of your loan Origination Charges and the monthly payment shown below can change until you lock your interest rate.”**

**11) Q: For a reverse mortgage in which there is no monthly payment anticipated, how should the statement, “Your initial monthly amount owed for principal, interest and any mortgage insurance is,” on the “Loan terms” section on page 3 of the HUD-1?**

**A: If no loan payment is due for principal, interest and mortgage insurance until a termination event occurs on a reverse mortgage, the initial monthly amount owed in the “Loan terms” section on page 3 of the HUD-1 should be completed with “Not Applicable” or “N/A” for the statement “Your initial monthly amount owed for principal, interest and any mortgage insurance is,” and the boxes for principal, interest and mortgage insurance should not be checked.**

**The example below illustrates how this answer would appear:**

Your initial monthly amount owed for principal, interest, and any mortgage insurance is	\$ "N/A" includes <input type="checkbox"/> Principal <input type="checkbox"/> Interest <input type="checkbox"/> Mortgage Insurance
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