



Testimony

Before the Subcommittee on Housing,
Community Development, and
Insurance, Committee on Financial
Services, House of Representatives

For Release on Delivery
Expected at 2:00 p.m. ET
Wednesday, September 25, 2019

REVERSE MORTGAGES

FHA's Oversight of Loan Outcomes and Servicing Needs Strengthening

Statement of Alicia Puente Cackley, Director,
Financial Markets and Community Investment

Chairman Clay, Ranking Member Duffy, and Members of the Subcommittee:

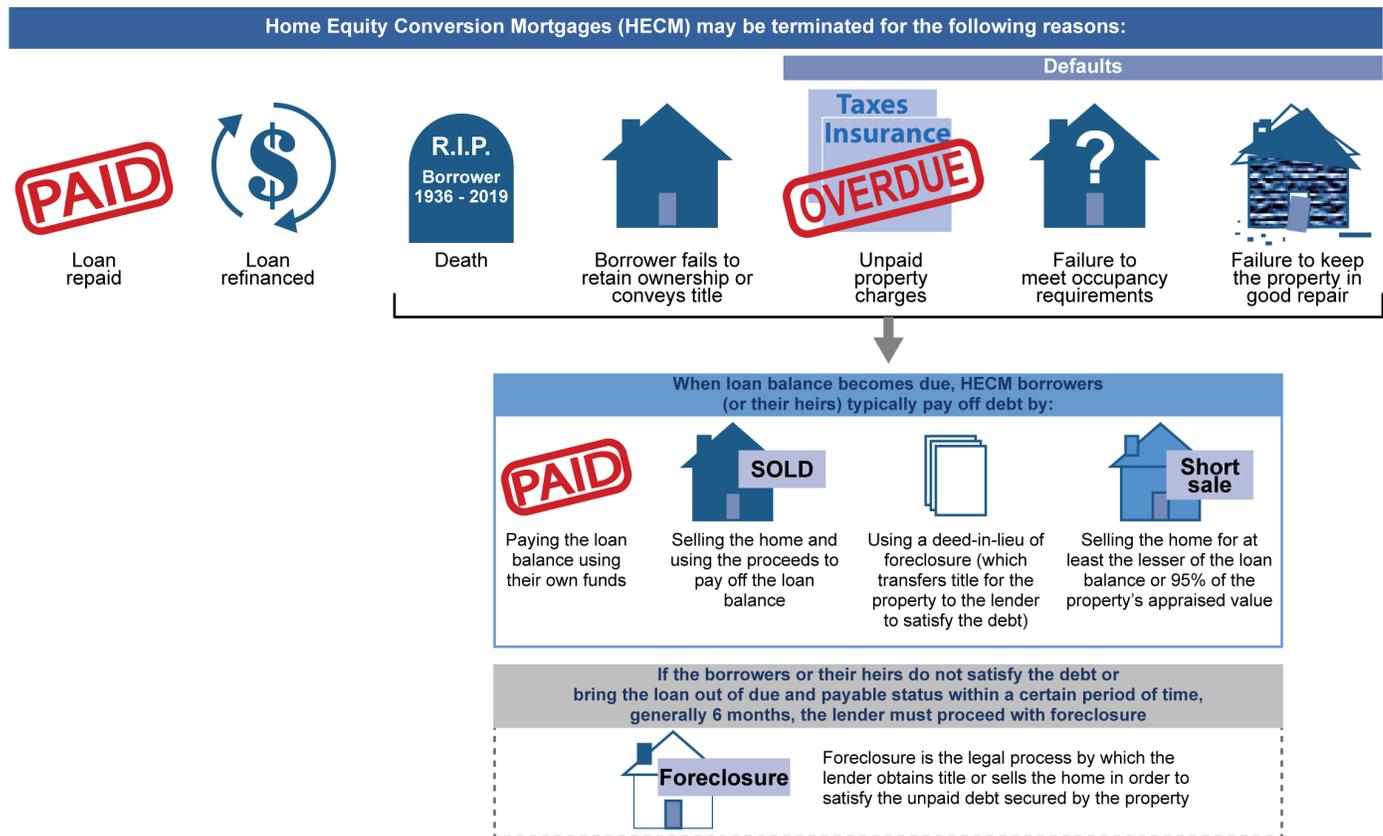
I am pleased to be here today to discuss oversight of reverse mortgages made under the Home Equity Conversion Mortgage (HECM) program, which is administered by the Federal Housing Administration (FHA) within the Department of Housing and Urban Development (HUD).¹ Reverse mortgages are loans that allow seniors to convert part of their home equity into payments from a lender while still living in their homes. While reverse mortgages can help senior homeowners meet financial needs, they also can present risks to borrowers.

The vast majority of reverse mortgages are made under the HECM program. As of the end of fiscal year 2018, FHA had insured more than 1 million HECMs, which included about 630,000 active loans and about 468,000 terminated loans. HECMs are originated and serviced by private FHA-approved lenders and servicers. FHA insures these entities against losses on the loans and charges borrowers premiums to help cover the potential cost of insurance claims. While not involved in administering the HECM program, the Consumer Financial Protection Bureau (CFPB) collects consumer complaints about reverse mortgages and supervises nonbank reverse mortgage lenders and servicers for compliance with, and enforces violations of, federal consumer financial protection laws.

HECMs terminate when a borrower repays or refinances the loan or when the loan becomes due and payable because the borrower died, moved, or defaulted (see fig. 1). Defaults occur when borrowers fail to meet mortgage conditions such as paying property charges (for example, property taxes and homeowners insurance) or meeting occupancy requirements. These borrowers risk foreclosure and loss of their homes if they cannot satisfy the debt or correct the condition that resulted in the default.

¹Congress authorized HUD to insure reverse mortgages made under the HECM program in 1988 by adding Section 255 to Title II of the National Housing Act. See Housing and Community Development Act of 1987, Pub. L. No. 100-242, § 417 (1988) (codified as amended at 12 U.S.C. § 1715z-20).

Figure 1: HECM Termination Reasons and Repayment Alternatives



Source: GAO analysis of Federal Housing Administration (FHA) information. | GAO-19-721T

Certain features of the HECM program can help borrowers delay and, in some cases, avoid foreclosure. If a borrower falls behind on property charges, servicers must generally temporarily advance property charges on a borrower's behalf (known as servicer advances). However, servicers may initiate foreclosure proceedings if the borrower does not catch up. Additionally, since 2015, FHA has made program changes to allow servicers to offer foreclosure prevention options to distressed HECM borrowers and nonborrowing spouses of deceased borrowers.²

²FHA defines a nonborrowing spouse as the spouse, as determined by the law of the state in which the borrower and spouse reside or the state of celebration, at the time of closing and who is not listed on the mortgage as a borrower.

My testimony summarizes findings from our report on the HECM program, which is being released today.³ Specifically, I will discuss (1) what FHA data show about HECM terminations and the use of foreclosure prevention options; (2) FHA's assessment and monitoring of HECM portfolio performance and foreclosure prevention options; (3) FHA's and CFPB's oversight of HECM servicers; and (4) FHA's and CFPB's collection, analysis, and response to consumer complaints about HECMs. For this work, we analyzed FHA loan data and reviewed FHA and CFPB documents on HECM servicer oversight. We also reviewed FHA and CFPB data on consumer complaints related to reverse mortgages. We interviewed agency officials, the five largest HECM servicers (representing 99 percent of the market), and legal aid organizations representing HECM borrowers. We conducted the work on which this statement is based in accordance with generally accepted government auditing standards. More details on our methodology can be found in the issued report.

HECM Defaults Have Increased, and Use of Foreclosure Prevention Options Is Limited

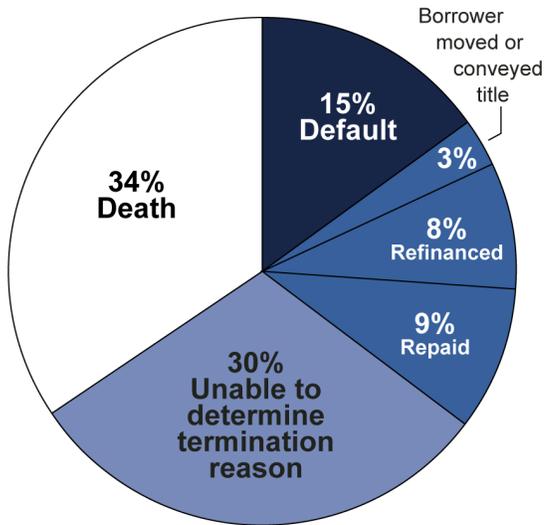
Our analysis of FHA data found that 272,155 HECMs terminated from fiscal years 2014 through 2018. The number of terminations rose from about 24,000 in fiscal year 2014 to a peak of roughly 82,000 in fiscal year 2016, before declining to about 60,000 in fiscal year 2018.

In recent years, a growing percentage of HECMs have terminated because borrowers defaulted on their loans. While death of the borrower is the most commonly reported reason why HECMs terminated, the percentage of terminations due to defaults increased from 2 percent in fiscal year 2014 to 18 percent in fiscal year 2018 (see fig. 2). Most defaults were due to borrowers not meeting occupancy requirements or failing to pay property charges. For about 30 percent of terminations, we were unable to readily determine a termination reason from FHA's data.

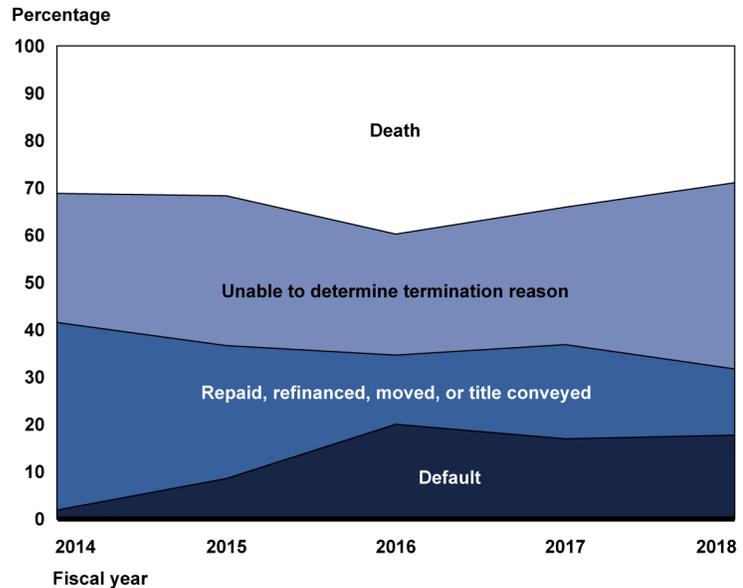
³GAO, *Reverse Mortgages: FHA Needs to Improve Monitoring and Oversight of Loan Outcomes and Servicing*, [GAO-19-702](#) (Washington, D.C.: Sept. 25, 2019).

Figure 2: Reported HECM Termination Reasons, Fiscal Years 2014–2018

Total HECM terminations by reason



Variation in HECM termination reasons over time



Source: GAO analysis of Federal Housing Administration data for the Home Equity Conversion Mortgage (HECM) program. | GAO-19-721T

Note: Due to rounding, figures may not sum to 100 percent.

We also found that servicers’ use of foreclosure prevention options for HECM borrowers was limited or FHA did not have readily available data to assess the extent of use. For example, since 2015, FHA has allowed HECM servicers to offer borrowers who are behind on property charges repayment plans to help prevent foreclosures, but as of the end of fiscal year 2018, only about 22 percent of these borrowers had received this option. Also, while FHA created a low-balance extension in 2016—which allows HECM servicers to delay calling a HECM due and payable if the borrower owes less than \$2,000 in unpaid property taxes or hazard insurance—FHA officials told us they do not track how often servicers use this option. Our analysis of FHA data found that approximately 8,800 HECMs that terminated in fiscal years 2014 through 2018 had unpaid property charges of less than \$2,000 at the time of termination. Some of these HECMs may have been eligible for a low-balance extension when they terminated.

Additionally, we found that it is difficult to estimate the universe of HECMs potentially eligible for mortgagee optional election assignments—an option to help nonborrowing spouses stay in their homes after a

borrowing spouse dies. Under this option, if required conditions and time frames are met, the servicer can assign the HECM to FHA.⁴ The assignment defers repayment of the HECM as long as the nonborrowing spouse fulfills certain conditions. According to information generated by FHA, HECM servicers submitted 1,445 requests for mortgagee optional election assignments from June 2015 (when FHA made this option available) through September 2018. In total, FHA approved roughly 70 percent of the requests and denied the remaining 30 percent. However, nonborrowing spouses were not listed on loan documentation for HECMs originated prior to August 4, 2014. As a result, FHA does not know how many eligible nonborrowing spouses could have, but did not, apply for the mortgagee optional election assignment, or how many are potentially eligible to apply for it in the future. FHA has begun reaching out to HECM borrowers to inform them of the mortgagee optional election process and ask them to self-identify whether there is a nonborrowing spouse associated with their loan.

Weaknesses Exist in HECM Termination Data, Performance Assessment, and Portfolio Monitoring

FHA's monitoring, performance assessment, and reporting for the HECM program have weaknesses. Since fiscal year 2013, FHA has used the Home Equity Reverse Mortgage Information Technology (HERMIT) system to collect data on the servicing of HECMs, but the system does not contain comprehensive and accurate data about the reasons why HECMs terminate, a key servicing event. According to the HERMIT User Guide, servicers should provide a reason in HERMIT when they terminate a HECM. However, as noted previously, for about 30 percent of the HECMs that terminated in fiscal years 2014 through 2018, we were unable to determine the reason for termination. FHA officials told us termination reasons are available on an individual loan basis in HERMIT but not in an extractable form. FHA does not regularly track and report on HECM termination reasons, due partly to this system limitation.

In the report being released today, we are recommending that FHA take steps to improve the quality and accuracy of HECM termination data. These steps may include updating the termination reasons in the

⁴Under the HECM program, lenders can "assign" a loan to FHA under certain circumstances and file a claim for the full amount of the loan balance, at which point FHA continues to service the assigned loan using a contractor. Lenders assign loans to FHA primarily when the loan balance reaches 98 percent of the maximum claim amount (the lesser of the appraised value of the home at origination or FHA's loan limit). However, lenders can also assign loans to FHA under a mortgagee optional election assignment.

HERMIT system for recording these data or updating the HERMIT User Guide to more clearly instruct servicers how to record termination reasons. FHA agreed with this recommendation. Comprehensive and accurate data on HECM terminations would provide FHA with a better understanding of loan outcomes—information FHA and Congress need in order to know how well the program is helping seniors age in place.

FHA also has not established comprehensive performance indicators for the HECM portfolio and has not regularly tracked key performance metrics, such as the percentage of HECM terminations due to borrower defaults, the proportion of active HECMs with delinquent property charges, or the percentage of distressed borrowers who have received foreclosure prevention options. For example, HUD's most recent strategic plan and corresponding performance report do not include HECM-specific performance indicators, and the last comprehensive evaluation of the HECM program was done in 2000. FHA officials told us they were in the planning phase for a new evaluation of the program but had not set a start date and did not expect the evaluation to include an analysis of the reasons for HECM terminations or the use of foreclosure prevention options for borrowers in default. We are recommending that FHA establish, periodically review, and report on performance indicators for the HECM program and examine the impact of foreclosure prevention options in the forthcoming HECM program evaluation. FHA agreed with this recommendation. Better performance assessment could provide FHA important information about how well the HECM program is working.

Additionally, we found shortcomings in FHA's internal reporting and analysis for the HECM program. For example, FHA has not developed internal reports to comprehensively monitor patterns and trends in loan outcomes, such as the percentage of HECM terminations due to borrower defaults. FHA has generated some reports from HERMIT to help oversee the HECM portfolio, but it has been slow to develop regular and comprehensive reporting mechanisms. FHA officials told us that while data on defaults and foreclosure prevention options have generally been available in HERMIT since 2015, FHA was unable to obtain reports on these topics until 2018 because of funding limitations with their HERMIT system contractor. Our review of the regular and ad hoc reports FHA has received from its HERMIT system contractor found that many are lists of loans that meet criteria and do not provide summary statistics that could be used to readily identify patterns or trends in metrics. Further, we found the reports required additional analysis to generate meaningful management information. In the report being released today, we recommend that FHA develop analytic tools, such as dashboards or

watch lists, to better monitor outcomes for the HECM portfolio, such as reasons for terminations, defaults, use of foreclosure prevention options, or advances paid by servicers on behalf of HECM borrowers. FHA agreed with this recommendation. With more robust program analysis and internal reporting, FHA would be better positioned to detect and respond to emerging issues and trends in the HECM portfolio.

Finally, we found that FHA has not fully analyzed the implications of how it prioritizes foreclosures for HECMs that servicers have assigned to FHA. FHA officials told us the agency generally does not foreclose on borrowers whose HECMs have been assigned to FHA and who are in default due to unpaid property charges. As a result, defaulted borrowers whose loans have not been assigned to FHA face a greater risk of foreclosure than defaulted borrowers with FHA-assigned loans. In addition, FHA's process may create a financial incentive for HECM borrowers with assigned loans to not pay their property charges. Therefore, we are recommending that FHA analyze the implications of its prioritization process. FHA agreed with our recommendation. Such analysis would help FHA to better understand how its process for prioritizing foreclosures for assigned loans affects the HECM portfolio, HECM borrowers, neighborhoods, and FHA's insurance fund.

FHA's Oversight of Servicers and Collaboration on Oversight between FHA and CFPB Are Limited

FHA's oversight of HECM servicers has been limited in recent years. FHA has not performed comprehensive on-site reviews of HECM servicers' compliance with program requirements since fiscal year 2013 and does not have current procedures for conducting these reviews. FHA officials said they planned to resume the HECM servicer reviews in fiscal year 2020, starting with three servicers that account for most of the market. However, as of August 2019, FHA had not developed updated review procedures (they were last updated in 2009) and did not have a risk-based method for prioritizing reviews. In the report being released today, we recommend that FHA develop and implement procedures for conducting on-site reviews of HECM servicers, including a risk-rating system for prioritizing and determining the frequency of reviews. FHA agreed with this recommendation. By resuming HECM servicer on-site reviews and adopting a risk-rating system, FHA would be better positioned to ensure that servicers are following program requirements, including those designed to help protect borrowers.

Additionally, we found that while CFPB has examined reverse mortgage servicers and plans to continue doing so, according to CFPB officials the bureau does not share results with FHA because the agencies do not

have an agreement in place to share supervisory information.⁵ CFPB officials said CFPB and FHA had taken initial steps in 2017 toward developing an information-sharing agreement. However, as of August 2019, an information-sharing agreement had not been completed. Accordingly, we are recommending that FHA and CFPB work together to complete an agreement for sharing the results of CFPB's examinations of HECM servicers with FHA. CFPB generally agreed with this recommendation, and FHA neither agreed nor disagreed. Sharing these results could aid FHA's oversight of HECM servicers by providing additional information about the servicers' performance and operations.

CFPB Collects and Analyzes Consumer Complaints on Reverse Mortgages, but FHA Does Not Use All Available Data

CFPB began collecting reverse mortgage consumer complaints in December 2011 and has collected about 3,600 complaints since then.⁶ CFPB officials told us they use consumer complaints as part of their criteria for selecting entities to examine, including reverse mortgage servicers, and to inform CFPB's educational publications. We conducted a detailed analysis of a random, generalizable sample of 100 consumer complaint narratives drawn from all the reverse mortgage complaints CFPB received in calendar years 2015 through 2018.⁷ Based on our review of complaint narratives, we found that some of the issues consumers cited most commonly were foreclosures, poor communication from lenders or servicers, problems at loan origination, estate management, and unfair interest rates, fees, or costs.

FHA collects and records inquiries and complaints about HECMs, and it has access to CFPB data on reverse mortgage complaints. However,

⁵CFPB oversees reverse mortgage servicers through examinations designed, among other things, to identify whether servicers engage in acts or practices that violate federal consumer financial laws. CFPB issued its Reverse Mortgage Examination Procedures in 2016 and began conducting examinations in 2017. Consumer Financial Protection Bureau, *Reverse Mortgage Servicing Examination Procedures* (Washington, D.C.: October 2016). CFPB's oversight of reverse mortgage servicers is not limited to those participating in the HECM program.

⁶CFPB's Consumer Complaint Database is available through its website at <https://www.consumerfinance.gov/data-research/consumer-complaints/>. In addition to this online forum, CFPB collects complaints via email, mail, phone, fax, or referral from another agency.

⁷CFPB issued a report on reverse mortgage consumer complaints it received from December 2011 through December 2014; see Consumer Financial Protection Bureau, Office of Older Americans, *Snapshot of Reverse Mortgage Complaints: December 2011–December 2014* (Washington, D.C.: February 2015).

FHA does not use its inquiry and complaint data to help inform HECM program policies and oversight, and the way data are collected does not produce quality information for these purposes. Additionally, we found that FHA has not leveraged CFPB complaint data for HECM program oversight.

According to FHA officials, FHA's two main methods for collecting customer inquiries and complaints are hotlines operated by the agency's National Servicing Center and the FHA Resource Center.⁸ From calendar years 2015 through 2018, the National Servicing Center received about 105,000 HECM-related calls.⁹ During this same period, the FHA Resource Center received 147 HECM-related calls. In April 2019, the FHA Resource Center became the primary entity for collecting, recording, and responding to all HECM-related calls. FHA officials told us they transferred these responsibilities from the National Servicing Center to the FHA Resource Center to help improve call management.

While this change could help improve customer service, it does not fully resolve limitations we found in FHA's approach to collecting and recording HECM inquiries and complaints that diminish the usefulness of the information for program oversight. For example, both the National Servicing Center and the FHA Resource Center do not collect call information in a way that would allow FHA to readily analyze the data for themes. Specifically, both centers do not reliably differentiate between inquiries and complaints—a potentially important distinction for determining appropriate agency-level responses. Additionally, while both the centers collect data on the reason for calls, neither does so in a systematic way that would allow FHA to readily determine how frequently issues are being raised. For example, neither center's data systems contain standardized categories or menus with options for recording reasons for calls.

⁸The National Servicing Center is a customer assistance center that works with FHA homeowners and their lenders or servicers to avoid foreclosure. Customers can submit their inquiries and complaints via telephone, email, postal mail, or fax. In addition to its two main methods, FHA receives complaints and inquiries through congressional and White House correspondence. FHA officials said complaints received through these channels were less frequent than complaints received through other methods and sometimes involved prospective borrowers who did not meet HECM eligibility requirements.

⁹We use the term "calls" to refer to any inquiry or complaint submitted to FHA and logged through its two main collection methods.

FHA officials said the agency uses complaint and inquiry data to improve customer service. However, FHA does not analyze data for other purposes that could enhance program oversight, such as determining which HECM servicers and lenders receive the most complaints, targeting entities for on-site reviews, or identifying topics that may need additional borrower education. In the report being released today, we recommend that FHA collect and record consumer inquiries and complaints in a manner that facilitates analysis of the type and frequency of the issues raised. FHA neither agreed nor disagreed with our recommendation. We also recommend that FHA periodically analyze available internal and external consumer complaint data about reverse mortgages to help inform management and oversight of the HECM program. FHA agreed with this recommendation. By improving the collection and use of consumer complaint data and better monitoring its own and CFPB's complaint data, FHA could improve its ability to detect and respond to emerging consumer protection issues regarding HECMs.

Chairman Clay, Ranking Member Duffy, and Members of the Subcommittee, this completes my statement. I would be pleased to respond to any questions that you may have at this time.

GAO Contact and Staff Acknowledgments

If you or your staff have any questions about this testimony, please contact Alicia Puente Cackley, Director, Financial Markets and Community Investment at (202) 512-8678 or cackleya@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. GAO staff who made key contributions to this testimony are Beth Faraguna and Steve Westley (Assistant Directors), Holly Hobbs (Analyst in Charge), Steven Campbell, William Chatlos, John Karikari, Matthew Levie, Marc Molino, Jennifer Schwartz, and Tyler Spunaugle.

This is a work of the U.S. government and is not subject to copyright protection in the United States. The published product may be reproduced and distributed in its entirety without further permission from GAO. However, because this work may contain copyrighted images or other material, permission from the copyright holder may be necessary if you wish to reproduce this material separately.

GAO's Mission

The Government Accountability Office, the audit, evaluation, and investigative arm of Congress, exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability.

Obtaining Copies of GAO Reports and Testimony

The fastest and easiest way to obtain copies of GAO documents at no cost is through GAO's website (<https://www.gao.gov>). Each weekday afternoon, GAO posts on its website newly released reports, testimony, and correspondence. To have GAO e-mail you a list of newly posted products, go to <https://www.gao.gov> and select "E-mail Updates."

Order by Phone

The price of each GAO publication reflects GAO's actual cost of production and distribution and depends on the number of pages in the publication and whether the publication is printed in color or black and white. Pricing and ordering information is posted on GAO's website, <https://www.gao.gov/ordering.htm>.

Place orders by calling (202) 512-6000, toll free (866) 801-7077, or TDD (202) 512-2537.

Orders may be paid for using American Express, Discover Card, MasterCard, Visa, check, or money order. Call for additional information.

Connect with GAO

Connect with GAO on [Facebook](#), [Flickr](#), [Twitter](#), and [YouTube](#).
Subscribe to our [RSS Feeds](#) or [E-mail Updates](#). Listen to our [Podcasts](#).
Visit GAO on the web at <https://www.gao.gov>.

To Report Fraud, Waste, and Abuse in Federal Programs

Contact FraudNet:

Website: <https://www.gao.gov/fraudnet/fraudnet.htm>

Automated answering system: (800) 424-5454 or (202) 512-7700

Congressional Relations

Orice Williams Brown, Managing Director, WilliamsO@gao.gov, (202) 512-4400, U.S. Government Accountability Office, 441 G Street NW, Room 7125, Washington, DC 20548

Public Affairs

Chuck Young, Managing Director, youngc1@gao.gov, (202) 512-4800, U.S. Government Accountability Office, 441 G Street NW, Room 7149, Washington, DC 20548

Strategic Planning and External Liaison

James-Christian Blockwood, Managing Director, spel@gao.gov, (202) 512-4707, U.S. Government Accountability Office, 441 G Street NW, Room 7814, Washington, DC 20548



Please Print on Recycled Paper.