

July 31, 2017

Federal Housing Finance Agency
Office of Housing and Regulatory Policy
400 7th Street, S.W., 9th floor
Washington, D.C., 20219

Re: Comments on the Federal Housing Finance Agency's Request for Input on Improving Language Access in Mortgage Origination and Servicing

On behalf of UnidosUS (previously known as the National Council of La Raza), please accept these comments on the Federal Housing Finance Agency (FHFA) Request for Input on Improving Language Access in Mortgage Origination and Servicing. UnidosUS is the largest constituency-based Hispanic organization in the United States (U.S.), dedicated to improving opportunities for the nation's 56 million Hispanics and, as such, we have a deep interest in improving Hispanics' access to mortgage financing and homeownership. UnidosUS applauds FHFA for including opportunities for the Enterprises to "support access to credit for borrowers with limited English proficiency by assessing the impact of language barriers throughout the mortgage life cycle and developing a plan to improve access to credit that is appropriate for the Enterprises", as part of Fannie Mae and Freddie Mac's (the Enterprises) work to increase access to single-family mortgage credit for creditworthy borrowers, in its *2017 Scorecard for Fannie Mae, Freddie Mac and Common Securitization Solutions*.¹ We are encouraged that FHFA is taking this important step to support and challenge the Enterprises to improve access to credit for mortgage-ready borrowers who are Limited English Proficient (LEP), creditworthy minority borrowers, and other underserved borrowers.

Background

In 2015, there were 56 million Hispanics in the U.S., making up 17.6% of the country's total population.² The U.S. Census Bureau projects the Hispanic population will comprise 28.6% of the national population by 2060.³ In 2015, the median household income of Hispanic households increased to \$45,148, the highest it has been since 2006, while the poverty rate for Hispanics dropped to its lowest rate in 10 years.⁴ Despite these recent economic gains, Hispanic families, the neighborhoods in which they live, and other communities of color continue to experience the spillover effects of the foreclosure crisis while also being locked out of new originations in the housing market. Latino homeownership, the single greatest source of wealth in the community, reached a high-water mark of 50% in 2006, only to see 66% of Hispanic net household wealth disappear by 2009 due to the foreclosure crisis.⁵ Nearly 10 years later, the Hispanic homeownership rate remains low, at 46%, and Hispanic borrowers are still denied a mortgage at a higher rate than White borrowers.⁶ Research shows Latinos will account for 40% of net new households within the next 10 years, suggesting that a failure to incorporate the needs of

Hispanics and low-income communities into the nation's federal housing policy will have negative consequences for all Americans and the U.S. economy.⁷

The LEP Population and Latinos

According to the U.S. Census Bureau, in 2015, more than 25 million people in the U.S. spoke English less than “very well,” accounting for 9% of the U.S. population.⁸ Among LEP persons, more than 64% speak Spanish at home.⁹ The number of Latinos with limited English proficiency varies based on where Latinos were born:

- In 2015, more than 62% of Latinos living in the U.S. were born in the U.S. Among the native-born Latinos (nearly 32 million), more than 40% spoke only English at home, nearly 60% spoke another language at home, and 9% were LEP.
- Among foreign-born Latinos (19.4 million), approximately 4% spoke only English at home, more than 95% spoke another language at home, and nearly 65% were LEP.¹⁰

UnidosUS's Engagement and Expertise

UnidosUS has a long history of leading initiatives that promote the financial inclusion of Latinos, immigrants and other low-income communities. This includes testifying to the importance of providing culturally competent social and financial services, such as housing counseling, as well as advocating for improved language access in the broader financial services industry and in the mortgage market.

- **UnidosUS Homeownership Network.** The UnidosUS Homeownership Network, a network of more than 50 community-based organizations (CBOs), is in its 20th year of providing homeownership counseling services to 35,000 very low-, low-, and moderate-income families annually and averages more than 1,500 closings a year. These HUD-approved housing counseling agencies are vetted for their ability to implement a model designed by UnidosUS, which includes having the capacity to: 1) meet a demand for bilingual and bicultural services for clients in emerging communities with growing or established Latino and immigrant populations; 2) demonstrate an understanding of the needs of the Latino community; and 3) have a bilingual counselor on staff.¹¹ Housing counselors within the UnidosUS Homeownership Network can provide services in the following 11 languages: English, Spanish, Polish, Spanish Creole, Russian, Italian, Chinese, Portuguese, Twi, French and American Sign Language. These languages are organic to the UnidosUS Homeownership Network meaning that services offered in these languages are not offered through the use of any translation services. Instead, bilingual counselors are employed within our agencies. The agencies are required to demonstrate partnerships, in the form of a memorandum of understanding, or have a referral system in place for LEP clients which they cannot serve at their agencies.
- **Banking In Color: New Findings on Financial Access for Low-and Moderate-Income Communities.**¹² In 2014, UnidosUS, as a member of the Alliance for Stabilizing Our Communities, published a paper illuminating the findings of a three-month survey capturing the experiences of 5,000 low- and moderate-income households from communities of color in the financial marketplace. Among the notable findings related to language access include: 1) thirty-eight percent of Asian American and Pacific Islander

(AAPI) respondents and 18% of Hispanic respondents reported that one of their top three priorities in choosing where to bank was the financial institution's ability to communicate verbally or in writing in one's native language; 2) among the respondents who spoke only their native language at home, 33% of Spanish-speakers and 58% of Asian native language-speakers reported that the ability to communicate in their native language was a priority when choosing where to bank; 3) a recommendation to financial institutions to expand financial capability for the underserved by partnering with trusted community- and faith-based institutions which play a role in bridging the information gap on a range of financial topics, in particular those which have the ability to provide bilingual and bicultural support to combat isolation for immigrants; and 4) a recommendation for financial institutions to make financial information more widely available for consumers from communities where the predominant and native language spoken is not English.

- **Proposed Language Access Plan for the Consumer Financial Protection Bureau.**¹³ In January 2015, UnidosUS coordinated a coalition of civil rights, consumer and housing advocacy to draft comments to the CFPB's Request for Input for a proposed language access plan. UnidosUS and the coalition encouraged the CFPB to take on a more integrated approach to meeting American consumers' linguistic and cultural needs, and recommended that the Bureau go further to integrate LEP households into its communications strategy. When developing online and printed materials, outreach strategies, and policy recommendations in English, the coalition recommended that the Bureau design comparable initiatives in the languages it offers. The comments provided detailed suggestions for language selection procedures, underlined the importance of collecting data, and recommended ways the CFPB could be incorporating translations and interpretation in supervision and enforcement while informing and educating consumers about the financial marketplace.
- **Issue Brief: The CFPB and Other Federal Agencies Should Adopt Strong Language Access Protections for Homeowners and Other Consumers.**¹⁴ UnidosUS was one of the co-authors on this issue brief as a member of the Americans for Financial Reform. Focused on housing as a first step in expanding market access for LEP borrowers, this brief highlighted the importance of enhancing access for LEP home buyers and homeowners. Doing so would support the growth of the housing sector and of LEP market participation more broadly. While LEP consumers remain underserved by today's mortgage market, LEP borrowers are also among the most vulnerable consumers targeted by fraud and predatory practices. The brief contains eight recommendations to improve the mortgage marketplace for LEP consumers by increasing their access to safe and affordable mortgage products and services through the mortgage origination and servicing processes.
- **Universal Residential Loan Application.** In 2016, UnidosUS advocated for the inclusion of a question asking a borrower's language preference in the next iteration of the Universal Residential Loan Application (URLA). Since FHFA's decision not to

include such as a question, UnidosUS has been meeting regularly with a coalition of housing and consumer advocacy groups and the Mortgage Bankers Association to discuss ways to expand access to the mortgage market for LEP borrowers. Most recently, in April of 2017, UnidosUS presented a model for integrating housing counseling into the stages of homeownership where housing counseling can assist LEP individuals to better understand and access the origination and servicing processes.

- **Resource Mapping of Housing Counseling Agencies.** In 2017, UnidosUS developed a survey of housing counseling agencies in partnership with the National Housing Resource Center and the Americans for Financial Reform, to determine the language capacity and geographic reach of more than 200 HUD approved housing counseling agencies across the country.

In light of UnidosUS's experience, we submit the following comments and recommendations to improve language access in the mortgage market.

Comments and Recommendations

UnidosUS supports the following recommendations of Americans for Financial Reform for improving language access in the mortgage market:

- Track language preference throughout the life of the loan
- Provide and mandate use of translated disclosures
- Require and support oral interpretation, by connecting housing counseling agencies with lenders and servicers and providing training and resources to bilingual staff and third-party oral interpreters
- Facilitate acceptance of non-English or translated documents
- Create and promote resources, including through a clearinghouse
- Develop policies with stakeholders through a working group

UnidosUS recommends that FHFA consider the following recommendations for encouraging Enterprises to promulgate or adopt policies to improve language access in mortgage origination and servicing:

- Mortgage market participants should serve LEP borrowers and non-English speaking borrowers and homeowners as customers that are part of their book of business. Whether the lender has a national, regional or local footprint, lenders and servicers should invest in activities to reach and serve LEP consumers in their markets as they would approach new business opportunities, or activities that would grow their book of business.
- As a long-term goal, mortgage market participants, in particular lenders and servicers, should integrate elements of cultural competence, from their entity's hiring practices to their service provision, to ensure they are reaching a broad range of eligible borrowers, including LEP consumers and other underserved borrowers.

In the following sections, UnidosUS will provide feedback on existing tools, ideas, and mechanisms that are currently being considered by FHFA, the Enterprises, or being adopted by certain mortgage market participants.

IV. Key Principles in Considering Next Steps

We agree with FHFA's proposal of key principles to guide development of the Enterprises' next steps. UnidosUS believes that the Enterprises can play a critical role in providing clear guidance and standards so that mortgage participants across the industry will be able to serve LEP consumers. UnidosUS offers the following comments in response to several of the proposed principles:

- **Identify and support actions for the most prevalent languages for LEP borrowers.**
 - **Comment:** UnidosUS believes the Enterprises should utilize existing data and information on the LEP population and encourage mortgage market participants to research distinct markets to identify and support actions for the most prevalent languages. First, the existing data should guide the Enterprises to determine the most prevalent languages spoken by LEP borrowers, and these languages should apply for mortgage origination and servicing nationwide. Next, the Enterprises, through their lender and servicer partnerships, should encourage market participants to research and perform outreach in distinct markets to identify the most prevalent languages within a given market to expand access for LEP borrowers.
- **Identify and support actions that address the most critical needs of LEP borrowers.**
 - **Comment:** UnidosUS believes that the Enterprises can act to clarify, provide the appropriate standards, and provide guidance or standards to lenders and servicers. This would enhance the capacity and confidence of lenders and servicers to expand access to their services for more LEP borrowers.
- **Ensure proposed solutions do not create unrealistic borrower expectations for services or documents.**
 - **Comment:** Some mortgage market participants today are creating their own solutions to include LEP borrowers in their existing portfolios, through hiring practices and new methods of outreach. Informed by the experience of housing counselors who serve LEP home buyers and homeowners, UnidosUS has observed that the current activities of mortgage market participants have not created any unrealistic expectations for borrowers for services or documents. We encourage the Enterprises to consider proposals that give LEP borrowers and homeowners meaningful access to the mortgage market. Meanwhile, we do not anticipate that proposed solutions would create such expectations because LEP homebuyers and homeowners continue to navigate the purchase process and mortgage servicing at a time when most of the documentation related to the mortgage market is only available in English.
- **Coordinate actions with industry stakeholders (including originators, servicers, technology providers, vendors, consumer advocates, and counselors) and government agencies to avoid or mitigate any market disruption.**

- **Comment:** UnidosUS applauds FHFA for proposing this principle, and believes that the Enterprises should coordinate with industry stakeholders not only to avoid or mitigate market disruptions, but also to interrupt and get ahead of predatory and private loan schemes that target LEP borrowers today. The Enterprises currently partner with real estate agents, as well as some HUD-approved housing counseling agencies to assist borrowers and homeowners with issues throughout the mortgage process, including after closing on a home purchase and in the event of delinquency. No single industry stakeholder or entity from industry will provide the optimal solutions for improving language access in the mortgage market. UnidosUS applauds FHFA for proposing this principle, and believes that the Enterprises should coordinate with industry stakeholders not only to avoid or mitigate market disruptions, but also to interrupt and get ahead of predatory and private loan schemes that target LEP borrowers today. The Enterprises currently partner with real estate agents, as well as some HUD-approved housing counseling agencies to assist borrowers and homeowners with issues throughout the mortgage process, including after closing on a home purchase and in the event of delinquency.
- **Comment:** The Enterprises should work with stakeholders most invested in serving immigrant communities and who originate and service loans to customers who speak a language that is not English as a part of their book of business. For example, an invested stakeholder would be a lender that has prioritized new and diverse market opportunities by training and hiring bilingual loan officers from the communities it wants to reach, or a servicer that has developed solutions, such as providing translated disclosures or making phone calls in the homeowner’s language, because it considers providing service to LEP homeowners a good business practice. Invested industry stakeholders also include multi-lingual housing counselors who demonstrate cultural competence. They apply the cultural context and client’s frame of reference to a housing counseling session, when explaining important concepts and the mortgage process, and when servicing a client in the language she has indicated is her preferred language.
- **Comment:** The Enterprises should increase their partnerships with community-based organizations in markets with large or growing LEP communities, to better target and reach borrowers and homeowners within this underserved market.

V. Questions

A. Existing processes and Tools.

Question A1: What processes and tools are in use today by originators and/or servicers to facilitate the origination and servicing of mortgages for LEP/PL borrowers?

- In our conversations with originators and servicers, UnidosUS has observed that some originators utilize telephonic interpretation services, such as Language Line* and

* <https://www.language.com/>

VOIANCE[†] to facilitate communication with LEP customers. Language lines are developed by private companies for the purposes of selling their hotlines, as well as the services of live interpreters on the phone line, to businesses, non-profits and other entities. However, the use of language lines is not an industrywide practice. While some originators, such as PNC, utilize language lines to provide free live interpretation for their customers, some originators and servicers we spoke with were unfamiliar with the quality of the live interpretation, the accuracy of the translation of industry concepts, and had questions about the cost of such services and the prevalence of language line services within the industry. Some originators and servicers we spoke with wanted to know how other banks are using these tools before considering how they might adopt them.

- Some originators and servicers we spoke with partner with local housing counseling agencies with which they have established relationships and which provide bi-lingual services to bridge the gap in LEP borrowers' understanding of the mortgage origination and servicing processes.

Question A2: What processes and tools are in use today by other mortgage industry participants (such as real estate agents, housing counselors, nonprofit consumer advocates, and vendors) to facilitate transactions with LEP borrowers?

- In 2016, the National Association of Hispanic Real Estate Professionals (NAHREP) released the Glossary of Real Estate Industry Terms (in Spanish, *Términos de la Industria Inmobiliaria*). The glossary[‡] provides commonly used real estate and finance terms in English-to-Spanish and Spanish-to-English. According to NAHREP, the glossary also differentiates between formal Spanish terms and their colloquial translations, which is often the more used of the two terms by real estate professionals and their clients.
- Community-based nonprofits, such as those in the UnidosUS Homeownership Network, have adopted various systems and tools to facilitate transactions with LEP borrowers. Their greatest outreach tool is their ability to penetrate local community and nonprofit networks and to establish outreach networks. As an example, UnidosUS affiliate Centro de Apoyo Familiar (CAF) works with local Spanish-language radio stations and faith-based groups to market its housing counseling services to LEP and immigrant communities in Maryland. As community-based non-profits, housing counseling agencies are perceived by other community groups as helpful partners: faith-based groups and informal and formal leaders view housing counselors as impartial and neutral parties. UnidosUS affiliates offer a range of services in addition to housing counseling. This allows them to interact with clients with various needs, such as clients connected to financial capability, citizenship services, and tax preparation services.[§]

[†] <http://interpret.voiance.com/>

[‡] <http://nahrep.org/glossary/>

[§] <http://nhn.org/housing-counseling.php>; <http://nhn.org/financial-capability.php>

- The Consumer Financial Protection Bureau (CFPB) has published its “Your Money, Your Goals”^{**} toolkit in the Spanish language. The Consumer Financial Protection Bureau (CFPB) has numerous publications in Spanish located on its Spanish-language webpage^{††} regarding mortgage qualification, the home-buying process, foreclosure prevention, and mortgage standards. In addition, the CFPB has made similar guides for homebuying, mortgage servicing rules, and foreclosure prevention in the following languages: Vietnamese, Tagalog, Korean, Haitian Creole, French, and Chinese.^{**}

Question A4: To what extent are existing translated documents used by the industry? Are they useful?

- UnidosUS has observed that the use of existing translated documents is not an industry-wide practice. UnidosUS has heard from a variety of mortgage market participants, including lenders of various sizes, that they are hesitant to translate documents and accept documents in a non-English language. To increase the use of existing translated documents and for the industry to adopt the use of these documents, translations should be developed by the CFPB or FHFA and distributed by the Enterprises. Documents translated and certified by the federal agencies (CFPB, FHFA, the Enterprises) would be helpful and give originators and servicers a level of certainty.
- In addition, we have heard from lenders that they are concerned that the Enterprises will not accept or purchase a loan originated and underwritten with translated documents or original documents prepared in a language that is not English. We believe the Enterprises should deliver formal guidance to originators that explicitly states that they will buy loans made by lenders using translated documents. In addition, the Enterprises should identify the languages, in which documents would be accepted.

Question A5: To what extent do originators and servicers use bilingual staff or translation services to assist LEP/PL borrowers? If so, how well does this work? How can these efforts be supported?

- UnidosUS has observed that some originators, such as BB&T, New American Funding, Wells Fargo, HSBC, and Alterra Home Loans, have hired bilingual staff or employees from the markets they are trying to penetrate and translated their websites and marketing materials into the languages that reflect their customer and client base. Some originators, such as MB Financial and PNC, have created homebuyer education curriculum and materials in non-English languages to accommodate borrowers. UnidosUS has observed that especially motivated originators and servicers have not only hired bilingual front line staff, but also origination staff, including loan officers and underwriters.

^{**} <https://www.consumerfinance.gov/educational-resources/your-money-your-goals/toolkit/>

^{††} https://s3.amazonaws.com/files.consumerfinance.gov/f/201509_cfpb_conjunto-de-herramientas-para-prestamos-hipotecarios.pdf

^{**} <https://publications.usa.gov/USAPubs.php?NavCode=K>

- UnidosUS has heard from originators that they experience the following barriers when seeking to hire bilingual staff: 1) lenders are unfamiliar with the best sources of qualified candidates; 2) lenders cannot identify qualified candidates or believe they do not have the adequate resources to identify qualified candidates; and 3) qualified candidates are not able to afford the fees and time commitments associated with required training and compensation structure of a position such as a loan officer.

B. Current Barriers to Address Language Access

Question B1: What are the most significant barriers that exist for LEP individuals in gaining access to the mortgage lending process? Please address the entire mortgage life cycle (from the marketing phase through origination and servicing) in your response.

- While data from the U.S. Census Bureau shows that not all LEP individuals are foreign-born (immigrants), the majority were born in another country. LEP individuals may not have the same orientation to and familiarity with the U.S. financial system as native-born individuals, let alone an orientation to the concepts and terminology used by mortgage market participants. For some LEP individuals, the biggest barrier is understanding the concept of credit, how one applies for credit and the reasons behind holding a large amount of debt over a period of time. For others, the mortgage life cycle itself, especially for LEP individuals who would be the first in their family to buy a home, leaving them few “trusted” sources of information to guide them in the right direction. This is one reason why LEP individuals are underserved by traditional bank originators and the conventional mortgage market, and are vulnerable to fraud and predatory practices in the mortgage market.
- In pre-purchase counseling, housing counselors typically walk through the following concepts with LEP clients, which can also be barriers to understanding and gaining access to the mortgage lending process:
 - Understanding the importance of budgeting and credit guidelines used in assessing their financial health. These include discussion and review of concepts such as principal, interest, taxes, insurance (PITI), front end and back end ratios, and how these relate to a person’s budget and home affordability factors used by lenders in their decision. Housing counselors review credit reports and explain how the reports are used as a measure of their credit risk (including the score) and the factors that interrelate.
 - For many first-time homebuyers, including LEP borrowers, available mortgage options can appear complex and difficult to understand. Housing counselors review with LEP borrowers concepts such as fixed and variable interest rates, amortization, and principal. In addition, LEP borrowers may need assistance with understanding how to weigh their options. Housing counselors are neutral, third parties who can discuss with when and why a client should take advantage of different options and how these options can impact them in the long run.
 - Housing counselors also review what to expect at closing and the closing costs associated with purchasing a home. LEP borrowers may not only be unfamiliar with

the terminology and concepts, but also the process and expectations for loan origination and servicing. Housing counselors can help walk these borrowers through the loan origination process, help them understand what points and fees are and how they affect their mortgage payment, as well as discuss the steps of an appraisal and the purpose and structure of private mortgage insurance.

- **Case Study: Cypress Hills Local Development Corporation**

Cypress Hills Local Development Corporation (CHLDC)^{§§} is a HUD approved housing counseling agency located in Brooklyn, New York and a member of the UnidosUS Homeownership Network. The agency offers pre-purchase education and counseling, rental counseling, financial literacy counseling and education, and mortgage default counseling. In 2016, CHLDC served 903 clients across all programs of which 185 or 21% were LEP, and 4% chose not to respond. In the homeownership program 5% of clients were LEP, in foreclosure prevention 38% were LEP, and under financial education workshops 26% of clients were LEP. According to the Director of the Housing Counseling Division,¹⁵ a majority of LEP clients CHLDC sees are at disadvantage when reviewing a lender's mortgage product and terms, GFE, TIL, HUD-1 (now TRID), pre-closing. The agency has observed bilingual loan officers use English terms while explaining a process, product, or a financial situation in Spanish. The Director observed that it is common for LEP clients and many English-speaking borrowers to re-visit questions about terms and issues with a housing counselor, even if their loan officer has already addressed them. LEP clients understand even less at closings, because of the volume of documents and the pace at which they are called upon to review and sign. Housing counselors at CHLDC have observed how much document content LEP homeowners, and some English-speaking owners miss, including title insurance, private mortgage insurance and appraisal costs, when reviewing their closing documents. In many situations, by the time housing counselors see the LEP borrowers or homeowners, the LEP individuals have already signed the closing documents, yet without fully understanding the content. As a result, the LEP individuals begin to understand the content with the assistance of a housing counselor, but only after they have signed their closing documents.

- **Case Study: Centro de Apoyo Familiar**

Centro de Apoyo Familiar (CAF)^{***} is a HUD approved housing counseling agency located in Riverdale, Maryland and a member of UnidosUS's Homeownership Network. The agency offers pre-purchase education and counseling, credit counseling, rental counseling, and mortgage default counseling. In 2016, served 232 clients with housing counseling services of which 96 or 41% were LEP. According to the CEO, CAF has seen many Spanish-speaking small business owners and homeowners come to CAF in need of help to repair their credit. CAF has observed that LEP homeowners and homebuyers are victims of foreclosure scams, and financial traps. By

^{§§} Cypress Hills Local Development Corporation is a private not-for-profit community-based organization established in 1983. CHLDC provides comprehensive services to over 10,000 Cypress Hills/East N.Y residents annually. The agency mission is to build a strong, sustainable Cypress Hills and East New York, with residents leading the way, where youth and adults achieve educational and economic success, secure healthy and affordable housing, and develop leadership skills to transform their lives and community. Available at <http://www.cypresshills.org/chw/>.

^{***} <http://www.mycaf.org/>

the time they seek assistance from CAF, LEP clients need credit counseling. CAF has been working with the Maryland State Attorney General to address many of the scams that CAF clients encounter. More recently, CAF assisted an LEP homeowner who was a victim of foreclosure fraud, and reported this case to the Consumer Financial Protection Bureau because the State's Attorney was unable to assist. The homeowner was deceived by a Spanish-speaking private actor which had offered to help the homeowner with a loan modification when he was struggling to make his mortgage payments. The homeowner did not know that he could go to the bank that was servicing his mortgage. By the time the homeowner had come to CAF, he had been directed by the private actor to transfer money and make payments through his bank account in a manner that would make him ineligible to receive a modification on his home loan. By working with a housing counselor at CAF, the homeowner is learning about his options for loss mitigation and has been able to file a complaint with the CFPB.

Question B2: Please identify any practices that could be particularly effective in ensuring LEP borrowers can understand and participate in the mortgage process.

- **Promoting Mortgage Sustainability for LEP Borrowers**
 - Numerous studies have demonstrated the value of housing counseling to both borrowers and lenders.¹⁶ Community-based housing counselors, as trusted sources of accurate information, can assist borrowers better understand their options, and allow them to seek help in a timely manner. For example, during the foreclosure crisis, the intervention of a trusted counselor was necessary for many victims of predatory lending practices who would not have responded to direct correspondence with their bank or loan servicer due to significant mistrust and the distress of being underwater on a mortgage. Likewise, housing counseling agencies can help to ensure that LEP borrowers understand their options, avoid predatory lending traps, and in the event of default, understand their loss mitigation options.
 - UnidosUS Affiliate CHLDC has helped various LEP homebuyers and consumers, including clients who were not initially enrolled in CHLDC's programs, but who came to seek assistance from a CHLDC counselors after they had bought a home through Spanish-speaking one-stop-shops, real estate agents, or lenders by phone. When these clients sought clarification from housing counselors, they not only learned about the disadvantages of the products they signed up for or the harmful products and terms associated with a loan they received.

- **Lender- Housing Counselor Partnerships**
 - A housing counselor at CHLDC reported that it is common for lenders and servicers who are familiar with the agency to refer LEP customers to a CHLDC housing counselor if the homeowner or borrower does not understand certain terms and processes of origination and servicing. For example, in an interview in January 2017, a bilingual Spanish- and English-speaking housing counselor reported that a lender had recently referred an LEP Spanish-speaking homeowner to CHLDC because the homeowner did not understand the terms and process of a loan modification. The

housing counselor explained the terms and process of the loan modification offer in the Spanish language to the homeowner.

- **Housing Counselor-Realtor Partnerships**

- Two UnidosUS Affiliates, CAF and Montebello Housing Development Corporation,^{†††} in Montebello, California have initiated new partnerships with local Hispanic realty groups. The CEOs have reported having a positive rapport with the realtor community. In fact, CAF recently reported that Hispanic realtors have been referring clients to housing counseling as a result of CAF's presence at realtor events and meetings, which has enhanced access to homebuyer education and originations for LEP Spanish-speaking borrowers.

- **Other Best Practices**

- According to the CHLDC Director, whenever possible and through housing counseling sessions, all housing counselors make it a practice to review and orally translate the lenders' documents with a borrower to ensure that the borrower clearly understands not only the content but also the practical application, context and significance of documents. These practices are also applied by housing counselors in Chicago, Illinois including those with UnidosUS Affiliate Brighton Park Neighborhood Council.^{‡‡‡} On housing counselor reported that she uses techniques to ensure that clients fully understand concepts and processes associated with getting a mortgage or staying in their home. For example, after introducing a concept or explaining a process, she asks clients to repeat back to her, using their own words, the meaning of the concept or steps of that process.

- **Model for Partnerships Between Secondary and Primary Market Participants with Community-Based Nonprofits**

- In the early 1990s, UnidosUS partnered with Fannie Mae and First InterState Bank to design and implement the "Home to Own" pilot project. In conjunction with the Arizona Housing Alliance, a coalition of UnidosUS Affiliates, "Home to Own" provided mortgages to nearly 500 families from communities of color, all of whom earned below 80% of Area Median Income, with more than 70% going to families below 60% of AMI.¹⁷ In addition, the "Home to Own" portfolio of mortgages performed very well nearly three years after origination, demonstrating a default rate of approximately 1%, three percentage points lower than the overall industry average for delinquencies at the time.

Question B3: Are mortgage industry participants fully aware of the existing services and materials available to assist LEP borrowers? Would public education measures (including

^{†††} <http://www.mhdcca.org/>

^{‡‡‡} <https://www.bpnccchicago.org/>

measures targeted to lenders and servicers) be useful in connecting LEP borrowers to the services and materials available?

- For lenders and servicers, clear guidance and measures promulgated by regulators such as the CFPB, FHFA, and the Enterprises, would be useful to ensure they are fully aware of existing services and materials. The Enterprises can help foster better lender-housing counselor and servicer-housing counselor relationships by building on existing relationships. During the foreclosure crisis, Fannie Mae established a network of “Mortgage Help Centers” that designated certain HUD approved housing counseling agencies as resource centers for homeowners seeking mortgage relief or assistance connecting with a servicer. Today, Freddie Mac partners with HUD approved housing counseling agencies designated as “Borrower Help Centers” to assist home buyers prepare for homeownership or help homeowners prevent avoid foreclosure and understand their options when they fall behind on their mortgage payments.
- For LEP borrowers, among them immigrants from different parts of the world, word of mouth, or recommendations from family and friends, as well as information from the radio and trusted media sources are very effective methods of outreach, marketing and public education. Informed by a network of culturally competent housing counseling practitioners, UnidosUS has observed that trust remains a very important aspect of an LEP individual’s decision whether to engage with a service or a product offered. For example, if an LEP or immigrant consumer hears from their peers in the community that a service is trusted or reliable, or family and friends have had positive experiences with the service, then it is more likely the consumer will engage with the service.

C. Potential Actions to Improve Language Access – Short Term

FHFA has presented ideas for potential improvement measures to improve language access in the short term. UnidosUS offers additional suggestions in the following comments.

Question C1: Please provide input on whether particular measures described above should or should not be considered for FHFA and the Enterprises to undertake to improve language access and explain why?

- **Comment:** UnidosUS believes that all of the listed recommendations for the Short Term, defined as those with an implementation cycle of 18 months, should be considered. We do not believe any should be given priority. However, we do offer additional recommendations to refine two of the recommendations.
 - A. Enterprise support for language translation services (e.g. updates to guide requirements).
 - **Recommendation:** In addition to providing guide requirements, the Enterprises should consider offering a list of recommended language translation service providers to lenders and servicers.
 - B. Publication of originator and servicers best practices for serving LEP borrowers.

- **Recommendation:** FHFA should consider either utilizing the interagency task force to identify best practices or a set of standards and principles defined by the task force to guide best practices. Publication of best practices could be an outcome of an interagency working group to address and provide guidance on how mortgage industry participants should work with LEP borrowers. This working group should include LEP individuals or stakeholders that work closely with LEP borrowers, multi-lingual housing counselors, and originators and servicers that have hired multi-lingual staff from the markets they intend to serve, and have made servicing LEP borrowers a business practice.

Question C2: Please identify any other short-term practices or actions.

- UnidosUS believes that FHFA and the Enterprises can play an important role in encouraging originators and servicers to build upon or begin partnering directly with housing counseling agencies that offer services in multiple non-English languages. In addition, the Enterprises could consider reviewing the Limited English Proficiency plans developed by federal agencies, such as that of the Department of Housing and Urban Development^{§§§} and the Department of Health and Human Services,^{****} in order to be in compliance with Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” issued on August 11, 2000.
- UnidosUS believes that meaningful access to the mortgage origination and servicing process includes the ability of LEP and immigrant consumers to obtain affordable financing, access to their mortgage servicers, and access to affordable loss mitigation options. We do not support measures by the mortgage market to create differential pricing mechanisms - especially if this would increase the cost to the borrower - to offset the business expense of providing oral translation services, providing translated documents, or receiving information about a borrower’s language preference.
- We believe another short-term action the Enterprises could take would be translating important disclosures that explain to borrowers in their preferred language the purpose of key documents to mortgage origination and servicing. The disclosures could be used to explain what information the LEP borrower/homeowner is being asked to provide, and the legally binding nature of the English document. The Enterprises have already translated certain mortgage origination and servicing documents into Spanish. The Enterprises should consider translating these documents into more languages, accompanied by a disclosure translated into the corresponding language. For example, a translated disclosure that accompanies the URLA can assist a borrower/homeowner to understand that the translated URLA serves only as a tool to complete the application, and that the English version of the URLA is the legally binding version.

^{§§§} HUD issued the Limited English Proficiency Implementation Plan in accordance with Executive order 13166. Information about this plan is available at

https://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/whatislep.

^{****} The Department of Health and Human Services Language Access Plan was revised in 2013. Information about this plan is available at <https://www.hhs.gov/sites/default/files/hhs-language-access-plan2013.pdf>.

Question C5: If these short-term actions target borrowers who speak particular languages, what should those languages be?

- The languages should be the eight most widely spoken languages among the LEP population:¹⁸ 1) Spanish; 2) Chinese; 3) Korean; 4) Vietnamese; 5) Russian; 6) Haitian Creole; 7) Tagalog; and 8) Arabic.

Question C6: Would the development of a clearinghouse of LEP resources be useful?

- UnidosUS believes that a clearinghouse of LEP resources would be useful for the mortgage industry. While clearinghouses exist,^{††††} based on our conversations with originators and servicers, such a clearinghouse for the mortgage industry would be most likely be accessed if it were to be developed and maintained by federal regulators such as the CFPB or FHFA, or the Enterprises. We agree that the clearinghouse could be located in the Federal Register, and that each Enterprise should include a direct link to the clearinghouse on their respective websites.
- At this time, it is unclear how familiar LEP borrowers would be with the Federal Register or Enterprise websites as sources of information. Therefore, the Enterprises and developers of the clearinghouse should perform outreach to community-based nonprofits with bilingual capacity, including housing counseling agencies, to orient the staff members who typically interact with LEP clients to the resources available in the clearinghouse. In addition, the Enterprises could assign liaisons to guide community based nonprofits directly or create a training guide to train community-based nonprofits on how to retrieve these resources. The staff members can then integrate the resources into meetings with LEP clients and explain how to utilize them. As an example, the CFPB has developed a training and implementation guide^{††††} for entities that would like to integrate the “Your Money, Your Goals” toolkit into the services they provide.

Question C7: Should greater emphasis be placed on providing borrowers with language translation services?

- UnidosUS believes that there should not be a greater emphasis on any one of the possible short-term actions. Instead, FHFA should encourage industry players to implement or build on the short-term actions listed, in order to provide meaningful access to the

^{††††} LEP.gov acts as a clearinghouse, providing and linking to information, tools, and technical assistance regarding limited English proficiency and language services for federal agencies, recipients of federal funds, users of federal programs and federally assisted programs, and other stakeholders. Available at <https://www.lep.gov/>; The Interagency Language Roundtable (ILR) is an unfunded federal interagency organization established for the coordination and sharing of information about language-related activities at the federal level. It serves as the premier way for departments and agencies of the federal government to keep abreast of the progress and implementation of techniques and technology for language learning, language use, language testing and other language related activities. Available at <http://www.govtilr.org/IRL%20History.htm>.

^{††††} The Consumer Financial Protection Bureau developed a guide for training and implementation on the Your Money, Your Goals Toolkit. Available at <https://www.consumerfinance.gov/educational-resources/your-money-your-goals/training-implementation/>.

mortgage origination and servicing processes. This includes, but should not be limited to, ensuring that language translation services are available and accessible to LEP borrowers. UnidosUS believes that any of the listed short-term responses would greatly enhance the capacity of the industry to serve LEP borrowers. Language translation services should be provided by originators and servicers, under the guidance of the Enterprises. These services should be considered a business expense on the part of a mortgage originator or servicer to offer consistent and standardized service to borrowers and ensure that LEP borrowers understand the nature of the transactions and procedures associated with origination and servicing.

Question C8: What are the potential costs in time and money of these measures?

- Language translation services offered through a contract with a third party, such as Language Line, will likely result in costs to the originator or servicer. Increasing awareness of multi-lingual nonprofit housing counselors would not require a large expense but would require a period of time to develop the method for referring an LEP borrower to a housing counselor who can provide service in-language. In the event that a borrower is located a great distance from a housing counseling agency that can provide assistance in-language, some nonprofit housing counseling agencies, including those within the UnidosUS Homeownership Network, are connected to a call center that can connect borrowers to a housing counselor in real time.
- As suggested in our answer to Question B1, housing counselors who assist LEP borrowers and homeowners do so not only as providers of language translation and interpretation services. Multi-lingual counselors are guides and trusted advisors for individuals who lack familiarity with the financial system and the mortgage process. Multi-lingual counselors help LEP borrowers navigate the mortgage process from pre-purchase to closing, post-purchase to delinquency, and loss mitigation to post-modification. Navigation includes, and is not limited to the following: 1) interpreting the mortgage process for borrowers unfamiliar with the concepts and required steps to qualify and apply for a mortgage loan; 2) assisting borrowers to understand what they should look out for and that they should open mail from the mortgage servicer; and 3) advising who the new homeowners can call to ask about their options if it becomes difficult to pay their mortgage. UnidosUS believes that partnerships between lending and servicing companies and multi-lingual housing counseling agencies would come at a cost, as a fee for service transaction. In recent conversations with large bank lenders, other housing counseling intermediaries, and with the Mortgage Bankers Association, UnidosUS estimated that the base fee for an agreed upon service from a housing counseling agency would be \$500 (See Appendix A).

D. Potential Actions to Improve Language Access – Long Term

FHFA has presented ideas for potential improvement measures to improve language access in the long term. UnidosUS offers our recommendations in the following comments.

Data Tracking

Question D1: Does your organization track borrower language?

- The UnidosUS Homeownership Network, a network of HUD approved housing counseling agencies, tracks clients' language from the time of intake to the time they are required to report outcomes for HUD. UnidosUS works with agencies within the network to track borrower and homeowner data, including the data of LEP clients, and this data is used to provide outcomes to HUD and to support grant requests. When the data is shared, UnidosUS does not share personal or confidential client information, such as a person's name, address and contact information. UnidosUS, the Homeownership Network, and the agencies are subject to an internal audit as well as an audit from HUD to ensure that all organizations and agencies are in compliance with policies and procedures designated by HUD and funders.

Question D2: Would it be useful to collect data on borrower language preference in a standardized manner?

- It would be useful to collect data on borrower language preference in a standardized manner. In 2016, the Enterprises and FHFA considered including a question about borrower language preference in the Uniform Residential Loan Application (URLA). UnidosUS had advocated for the inclusion of such a question on the URLA and was disappointed when FHFA ultimately decided not to include the question. UnidosUS believes FHFA should include a question on a borrower's language preference on the next iteration of the URLA, as an addendum to the URLA, as well as on the Universal Borrower Assistance Form. Integrating this data into standardized origination and servicing data and tracking this data for the life of the loan will provide lenders and servicers ample opportunity to provide resources and offer services more efficiently and effectively to LEP borrowers.

Question D5: If a decision were made to collect borrower language preference, how should such information be collected?

- UnidosUS recommends that the information be collected at the time the borrower completes the URLA or earlier in the mortgage origination process. It might be useful to provide a "comments" or "notes" section on the form for the loan officer or servicing staff to indicate certain observations made, such as if borrower brought a colleague, friend, or family member to help translate during an appointment. It might be useful to note an observation of the borrower's documents, including letters, receipts, pay stubs or communications with a landlord in a non-English language.

Question D6: Would LEP/PL borrowers be uncomfortable with answering a question about their preferred language?

- Informed by the observations of housing counselors in the UnidosUS Homeownership Network, it is more common for an LEP individual to seek services in-language from a person who they trust and know to speak the same language, than it is for an individual to answer a question about their language preference. In addition, UnidosUS has observed that LEP Spanish-speaking clients seeking housing counseling will likely seek out and ask for a housing counselor who speaks Spanish, or seek a referral to a Spanish-speaking loan officer or real estate agent to assist in the process.

Question D7: In the RFI, FHFA provides one possible version of a language preference question that would appear on a standardized form.

- UnidosUS believes that the version of the question proposed is headed in the right direction, and we agree with the language below the question that indicates that a borrower’s response would not affect their application nor would it commit the lender or other loan participants to communicate in the indicated language or provide documents in that language.
 - The version of the question would work when the LEP borrower can read the question in English well enough to recognize the languages listed in English. An LEP borrower might not understand the premise of the question or the language options, if for example, the person is not able to read in English very well, and does not recognize their language. For example, FHFA should consider listing the languages in a different form, such as 1) “Español” instead of “Spanish”, or “中文” instead of “Chinese”. In addition, without understanding the purpose of the question, it is not clear if an LEP borrower would infer that “Other: _____” should prompt the borrower to write down another language.
 - In addition to a question on a form, FHFA and the Enterprises should consider is the use of a guide similar to the Language Identification Guide^{§§§§} developed by Language Line Solutions, or the “I Speak” language ID cards issued by HUD. Or, FHFA could consider proposing this to be an agenda item for the interagency working group as part of their best practices publication.

Other Long-Term Options

^{§§§§} Language Line developed a Language Identification Guide for entities that allows clients to self-identify the language they speak. Information about this resource is available at <https://www.language-line.com/client-services/support-materials>; HUD issued “I Speak” language ID cards in 2004. Information about this resource is available at <https://www.lep.gov/ISpeakCards2004.pdf>.

Question D8: Are there other long-term actions FHFA and the Enterprises could take, alone or in concert with others, that would help originators and servicers in assisting LEP borrowers?

- UnidosUS recommends the development of a working group that is responsible for drafting recommendations for long-term actions. In addition, developing a culturally competent, bilingual workforce is a challenge for servicers and originators. FHFA and the Enterprises should consider how to support lenders and servicers in their efforts to hire multilingual staff and cultivate multilingual sales teams.
- UnidosUS believes that the universe of low- and moderate-income earners includes LEP borrowers with little to no formal credit history. As such, FHFA should consider a systemic approach to serving LEP consumers, by considering how the Enterprises can better serve a range of underserved borrowers, and evaluate how current underwriting practices and credit scoring models could be enhanced to more accurately assess the risk of LEP and immigrant consumers. As tight lending standards continue to suppress first-time home buyer activity, disproportionately affecting minority borrowers and households with low-and moderate incomes,¹⁹ credit scores below 700, and historically low homeownership rates, FHFA should consider how the Enterprises could work with originators and servicers to expand access to credit for mortgage applicants with FICO scores within the 600-700 range, individuals with unscored credit files, and what kinds of alternative data can be utilized in the credit evaluation process to more accurately score these borrowers.

Question D9: Please identify any other long-term practices or actions that originators, servicers, and other mortgage participants could take to ensure that LEP borrowers understand and participate in the mortgage process.

- UnidosUS recommends that mortgage participants actively engage with multi-lingual housing counseling agencies not only to create a referral database for LEP consumers. For example, originators should approach housing counseling agencies with multilingual capacity as a source for a pipeline of new business opportunities: mortgage-ready LEP home buyers.

Question D10: What are possible improvements to originator, servicer, and other mortgage industry participants' customer service activities to further assist LEP/PL borrowers? What are the potential costs in time and money of the proposed improvements?

- In addition to recommending that mortgage industry participants partner with community-based organizations to facilitate warm hand-offs from client to customer, UnidosUS also recommends that originators consider engaging LEP borrowers prior to the mortgage origination process. One way to do so would be to make product offerings such as low-interest small dollar loans and credit-building tools. This level of engagement would allow LEP borrowers with little or no formal credit history to build their credit, and have a path to becoming creditworthy and successful first-time mortgage applicants. Through the relationship established in the first offering, the

originator increases the chances of engaging an LEP borrower in a future mortgage origination.

Conclusion

Nearly 10 years after the financial crisis rocked the housing market and the economy, access to mortgage credit remains tight and economic recovery remains uneven. Expanding access to underserved borrowers, including LEP and immigrant borrowers, would support the growth of the housing sector and homeownership opportunities for more American families. FHFA's Request for Input is timely. UnidosUS has had several conversations with lenders and servicers who are considering ways to make LEP home borrower and homeowners a part of their book of business. With the leadership and guidance of Fannie Mae and Freddie Mac, the secondary market can advance a statutory mandate to support access to credit across different market segments, and ensure that a broad range of creditworthy borrowers, including LEP and immigrant borrowers, have access to safe and affordable mortgage products.

Thank you for the opportunity to present these comments. Please contact Agatha So, Policy Analyst at aso@unidosus.org if you would like to discuss our recommendations in greater detail.

Sincerely,
Eric Rodriguez

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Washington, DC

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