

OCC BULLETIN 2015-25

**Subject: Real Estate Settlement
Procedures Act
Date: April 14, 2015**

**To: Chief Executive Officers and
Compliance Officers of All National Banks
and Federal Savings Associations,
Federal Branches and Agencies,
Department and Division Heads, All
Examining Personnel, and Other
Interested Parties**

Replaced - See OCC 2019-22

Description: Revised Comptroller's Handbook Booklet and Rescissions

Summary

The Office of the Comptroller of the Currency (OCC) issued today the “Real Estate Settlement Procedures Act” booklet of the *Comptroller's Handbook*. This revised booklet replaces a similarly titled booklet issued in October 2011 and provides updated information resulting from recent changes made to Regulation X (12 CFR 1024) regarding mortgage servicing and loss mitigation.

Note for Community Banks

The “Real Estate Settlement Procedures Act” booklet applies to examinations of all national banks and federal savings associations (collectively, banks) that engage in residential mortgage lending. Specific changes to this booklet are applicable to banks that service mortgage loans and offer loss mitigation programs.

Highlights

The “Real Estate Settlement Procedures Act” booklet reflects the

- transfer of rulemaking authority for Regulation X from the U.S. Department of Housing and Urban Development (HUD) to the Consumer Financial Protection Bureau (CFPB).
- new requirements relating to mortgage servicing.
- new loss mitigation procedures.
- new prohibitions against certain acts and practices by servicers of federally related mortgage loans with regard to responding to borrower assertions of error and requests for information.
- new examination procedures for determining compliance with the new requirements relating to mortgage servicing.

Background

The Dodd-Frank Wall Street Reform and Consumer Protection Act granted rulemaking authority under the Real Estate Settlement Procedures Act (RESPA) to the CFPB. In December 2011, the CFPB restated HUD's implementing regulation at 12 CFR 1024.

On January 17, 2013, the CFPB issued a final rule to amend Regulation X. The final rule includes substantive and technical changes to the servicing transfer notice requirements and implements new procedures and notice requirements related to borrower's error resolution and information requests. The final rule also includes new provisions related to escrow payments, force-placed insurance, and general servicing policies, procedures, and requirements.

On July 10, 2013, and September 13, 2013, the CFPB issued final rules to further amend Regulation X. The new language includes changes to the provisions on the relation to state law for Regulation X's servicing provisions, to the procedure requirements for loss mitigation, and to the requirements relating to notices of error and information requests. On October 15, 2013, the CFPB issued an interim final rule to further amend Regulation X to exempt servicers from the early-intervention requirements in certain circumstances. The Regulation X amendments became effective on January 10, 2014.

In November 2013, the Federal Financial Institutions Examination Council's Consumer Compliance Task Force approved the updated interagency examination procedures, which are contained in the revised "Real Estate Settlement Procedures Act" booklet.

The issuance of this booklet rescinds the following documents:

- OCC Bulletin 2002-3, "Real Estate Settlement Procedures Act: Examiner Guidance—Mark-Up of Settlement Service Fees" (January 15, 2002)
- OCC Bulletin 2010-35, "Real Estate Settlement Procedures Act: Updated Examination Procedures" (September 9, 2010)
- OCC Bulletin 2014-7, "Consumer Compliance: Interagency Examination Procedures for Consumer Compliance" (March 14, 2014)

The issuance of this booklet makes applicable to federal savings associations the following OCC document:

- Advisory Letter 1998-15, "Real Estate Settlement Procedures Act (RESPA), Escrow Accounts" (September 24, 1998)

For further information, contact your supervisory office or the OCC's Compliance Policy Division at (202) 649 5470.

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Related Link

- ["Real Estate Settlement Procedures Act" \(PDF\)](#)