

SB 671 – Foreclosure Proceedings - Residential Mortgagors and Grantors - Access to Counsel Committee: Senate Judicial Proceedings Committee Date: February 20, 2024 Position: Unfavorable

The Maryland Bankers Association strongly **OPPOSES** SB 671. This legislation creates an Access to Counsel in Foreclosure Proceedings Program to be administered by the Maryland Legal Services Corporation. This legislation, if passed, will create an unnecessary and burdensome delay in Maryland's foreclosure process.

Since the first Gubernational Foreclosure Task Force was convened in 2007, the Maryland Bankers Association has been involved with the creation and revisions of Maryland's foreclosure laws. Due to these revisions, the process has been lengthened significantly and includes additional consumer protections such as the requirement for mediation. Due to these revisions, Maryland has seen a significant reduction in the number of foreclosure actions over the past decade.

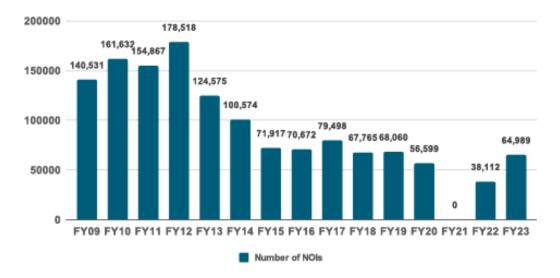
No one should want to see a negative impact on Maryland's housing market or to slow the significant and ongoing progress to help those experiencing financial difficulties. Accordingly, MBA urges issuance of an **UNFAVORABLE** report on SB 671.

Attached:

- 1. Maryland Foreclosure Statistics from the Office of Financial Regulation
- 2. Maryland Homeowner Foreclosure Timeline Infographic
- 3. Factsheet for Maryland Homeowners on Foreclosures Mortgage Late Don't Wait
- 4. Foreclosure: What You Need to Know as a Maryland Homeowner
- 5. HUD Approved Housing Counseling Agencies in Maryland
- 6. Available Legal Services for Marylanders Facing Foreclosure

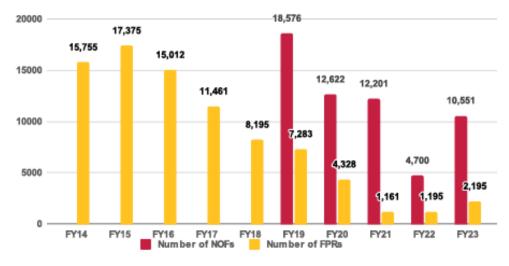
The Maryland Bankers Association (MBA) represents FDIC-insured community, regional, and national banks, employing more than 26,000 Marylanders and holding more than \$209 billion in deposits in over 1,200 branches across our State. The Maryland banking industry serves customers across the State and provides an array of financial services including residential mortgage lending, business banking, estates and trust services, consumer banking, and more.

Maryland Foreclosure Statistics



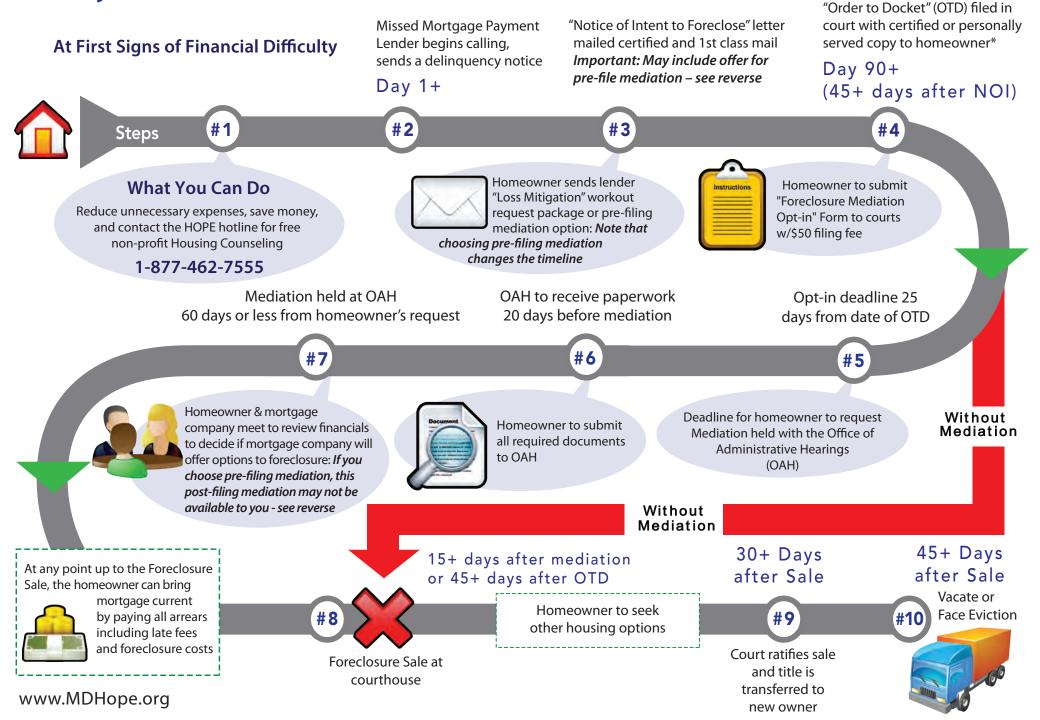
Notices of Intent to Foreclose Received per Fiscal Year







Maryland Homeowner Foreclosure Timeline*



*NOTE: This document represents a simplified version of the foreclosure process in Maryland without a Preliminary Loss Mitigation Affidavit and some steps may vary. Information is not presented as legal advice.

WHAT IS FORECLOSURE MEDIATION?

Foreclosure mediation is a process that allows the homeowner, a representative from the mortgage servicer with authority to make decisions, and a neutral third party mediator from the Maryland Office of Administrative Hearings (OAH) to meet and discuss alternatives to foreclosure. Alternatives to foreclosure may include housing transition. Foreclosure mediation does not guarantee a loan modification or other relief.

MEDIATION TYPES - (1) "Pre-file mediation" mediation before a foreclosure action is filed in court and (2) "Post-file mediation" - mediation after a foreclosure action has been filed in court. Your mortgage servicer is not required to offer pre-file mediation. PLEASE NOTE: If you choose to participate in pre-file mediation now, you will not be able to opt-in to post-file mediation later unless you and your mortgage servicer agree to an additional mediation session and include the terms of that arrangement in the pre-file mediation agreement, if any. If you do not choose to participate in pre-file mediation at this time, you will have the opportunity to submit a loss mitigation application and, if a foreclosure action is filed against you, participate in post-file mediation.

	Pre-file	Post-file
Early Intervention?	Yes	No
Mortgage Servicer Offer of Mediation Session?	Optional	Required, if no pre-file mediation
Homeowner Financial Documents Needed?	Yes	Yes
Free Housing Counseling?	Mandatory	Available
Legal Referrals?	Available	Available

For more details take a look at Appendix A1-schedule 1: www.dllr.state.md.us/finance/finregforms.shtml#foremed



Contact your lender and a housing counselor at the earliest sign of financial difficulty.

A list of housing counseling agencies near you can be obtained by calling the MDHOPE hotline at

877-462-7555

or by visiting

www.mdhope.org.

Made possible through the support of the Baltimore Neighborhood Collaborative and the Baltimore Homeownership Preservation Coalition

www.PreserveHomeownership.org

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Maryland Homeowner Foreclosure Timeline



Developed by the Maryland Housing Counselors Network, Inc. for homeowners.

THE NETWORK



KNOWLEDGE - THE KEY TO HOMEOWNERSHIP

Factsheet for Maryland Homeowners



CONTACT YOUR MORTGAGE SERVICER NOW!

Call your mortgage servicer ("servicer") as soon as possible to discuss your options to avoid foreclosure.

- The contact information for your servicer is on your monthly statement. Tell your servicer if you are experiencing a financial hardship.
- Ask your servicer to evaluate your eligibility for programs to avoid foreclosure – this is called a "loss mitigation review".

Remain in contact with your servicer throughout the loss mitigation review process.

- Check your mail frequently. Promptly respond to voicemails and requests for information from your servicer.
- Make sure your servicer has your current contact information. Your servicer may proceed with foreclosure if you are unresponsive or if it is unable to reach you.

Do not skip payments if you can afford to pay your regular installment amount on time.

- There is no reason to purposefully go into default to qualify for foreclosure prevention or loss mitigation programs. Doing so could negatively affect your credit and impact your eligibility for such programs.
- If you can afford to make partial payments, discuss this option with your servicer first. Depending on the terms of your mortgage, partial payments may not be sufficient to keep your loan out of default.

Prepared by the Maryland Office of Financial Regulation. This document is for informational purposes only and not to be interpreted as legal advice.

Your mortgage servicer is the company that you send your mortgage payments to.

The servicer is responsible for collecting and managing your payments, among other duties.

Your servicer may not be the same company that originated your mortgage loan. Your servicer may change periodically - it is normal for mortgage loans to be transferred to new servicers.

You will be notified by mail if your servicer changes. Promptly open all mail, and inform your servicer if you change your mailing address, email, or phone number.

Help is Available for Maryland Homeowners

Contact a nonprofit legal services agency or a HUD-approved housing counseling agency for assistance avoiding foreclosure on your home.

Call 1-877-462-7555 for a referral to a nonprofit agency near you, or visit homeownerassistance.maryland.gov

online to access Maryland's free foreclosure-prevention resources



DEPARTMENT OF LABOR Office of Financial Regulation

YOUR RIGHTS AS A MORTGAGE BORROWER IN MARYLAND

You have the right to receive from your mortgage servicer timely answers to your questions, and a prompt response after you ask to be reviewed for options to avoid foreclosure.

- You are also entitled to receive an accurate copy of your payment history, if you request this from your servicer.
- Keep a written record of all your interactions with your servicer, including who you spoke with and when.

You have the right to be informed by your mortgage servicer of all your loss mitigation options.

- Contact your servicer and ask about your options to avoid foreclosure ("loss mitigation"). Do not be afraid to ask questions if you don't understand the financial implications.
- If you would like to dispute the results of the loss mitigation review, ask your servicer if there is an appeals process.

You have the right to participate in a mediation session with your servicer if you are served with foreclosure papers and your home is your primary residence.

- Do not wait until mediation to begin communicating with your servicer. The sooner you reach out for help, the more likely you will be able to avoid foreclosure.
- Legal services may be available, for free or at a reduced rate, to help you during your mediation session. To learn more about Maryland's foreclosure mediation program, visit the website <u>homeownerassistance.maryland.gov</u>.

NOTE: Some mortgage servicers may be exempt from certain state or federal requirements. Contact our office if you need help with your servicer.

Office of Financial Regulation Maryland Department of Labor 1100 North Eutaw Street, Suite 611, Baltimore, MD 21201 410-230-6100 | Toll-free: 1-888-784-0136 DLFRFinReg-LABOR@maryland.gov



Visit us at www.labor.maryland.gov/finance

Beware of Foreclosure-Prevention Scams!

Fraudulent "mortgage assistance relief" services and "foreclosure consultant" scams are common, but there are ways to protect yourself:

DO NOT PAY

anyone in advance to assist you with a *loan modification*.

Call 1-877-462-7555 for a referral to a qualified Maryland housing counselor who will provide free help.

DO NOT SEND

your payments to anyone other than your servicer.

DO NOT BELIEVE

anyone promising that they will "save your home".

DO CONTACT

our office immediately if you are the victim of mortgage assistance fraud or a foreclosure consultant scam.

Call 410-230-6077 or email

CSU.Complaints@maryland.gov for assistance.

The Office of Financial Regulation is Maryland's consumer financial protection agency and financial services regulator. Contact our office if you have a question or complaint about your mortgage servicer or to report a foreclosure prevention scam.

Visit <u>labor.maryland.gov/finance/</u> <u>consumers/mortforeinfo.shtml</u> to learn more.

> Wes Moore, Governor Aruna Miller, Lt. Governor Portia Wu, Secretary, Maryland Department of Labor Antonio P. Salazar, Commissioner of Financial Regulation

AVOID FRAUD

Some companies or individuals may offer fraudulent "mortgage assistance relief" services by advertising socalled "loan modification experts" or "loss mitigation consultants".

Here are a few tips to avoid being scammed:

- Do not pay advance fees for loan modification assistance or delinquent mortgage counseling. Charging advance or up-front fees for these services is illegal in Maryland.
- Do not submit your payments to anyone other than your mortgage company, unless you have your mortgage company's written approval first.
- Do not believe guarantees. A reputable attorney or housing counselor will never promise that they can "save" your home, regardless of your circumstances.

Federal and state laws exist to protect homeowners from scams and fraud. If you feel you may be the victim of a loan modification scam or other foreclosure fraud, call the **Office of Financial Regulation** at **1-888-784-0136** to report it and file a complaint, or visit us online at *www.labor.maryland.gov/finance*.





Office of Financial Regulation Maryland Department of Labor 1100 N. Eutaw Street, Suite 611, Baltimore, MD 21201 Main Phone: 410-230-6100 General Email: DLFRFinReg-LABOR@maryland.gov Facebook /MarylandLabor | Twitter @MD_Labor Website: *labor.maryland.gov/finance*



Wes Moore, Governor Aruna Miller, Lt. Governor Portia Wu, Secretary Antonio P. Salazar, Commissioner

FORECLOSURE

What You Need to Know as a Maryland Homeowner



OFFICE OF FINANCIAL REGULATION

Maryland Department of Labor

What You Need to Know About Foreclosure

The Foreclosure Process

The following paragraphs summarize the **residential mortgage foreclosure process** in Maryland. This is not intended to constitute legal advice. For information particular to your situation, please contact an attorney or housing counselor.

A mortgage company must send a **Notice of Intent to Foreclose (NOI)** before it can initiate foreclosure proceedings in court. The NOI is a warning to the homeowner that their mortgage company may file a foreclosure court action against them. It must be sent by certified mail at least 45 days before the court filing. If the homeowner is interested in avoiding foreclosure, they should contact the mortgage company for a review of alternative options. This review is commonly referred to as a loss mitigation analysis. A loss mitigation application should be included with the NOI.

If the mortgage company wishes to pursue foreclosure, they file an **Order to Docket** in the Circuit Court. This is the filing that opens the foreclosure case in court. The mortgage company must wait at least 90 days after the first missed payment before filing the Order to Docket. (For some loans, however, the mortgage company must wait at least 120 days before filing the Order to Docket, as required by federal law.)



After filing, a copy of the Order to Docket and accompanying documentation is personally served on the homeowner or left with another resident at the house. Among the included documents will be one of the following:

- **Final Loss Mitigation Affidavit,** if the mortgage company has completed its loss mitigation analysis and concludes there are no alternatives to foreclosure available.
- **Preliminary Loss Mitigation Affidavit**, if the mortgage company has not yet completed its loss mitigation analysis. Once the mortgage company completes its analysis and if there are no alternatives to foreclosure available, a Final Loss Mitigation Affidavit will be filed as well and then mailed to the homeowner.

For owner-occupied properties, the Final Loss Mitigation Affidavit will come with a "Request for Foreclosure Mediation" form. To participate in mediation, the homeowner must submit this form to the Circuit Court within the deadline provided for under Maryland law. During the mediation hearing, a neutral third-party will assist with the review of loss mitigation programs that may be applicable to the loan. More information about foreclosure mediation can be found on the website *homeownerassistance.maryland.gov*.

If there are no alternatives to foreclosure available, the property will be auctioned at a foreclosure sale. The sale may occur as soon as 30 days after the Final Loss Mitigation Affidavit is mailed; or if a mediation session is held, the sale may occur as soon as 15 days after mediation. After the sale, the homeowner may have as little as 45 days before they could face eviction.

Help is Available for Homeowners

There are FREE resources available for homeowners!

Non-profit housing counselors are professionally trained and certified to assist homeowners who are facing foreclosure. Counselors are available to meet in person or over the phone to evaluate household budgets, discuss any alternatives to foreclosure, and act as a liaison between the homeowner and their mortgage company.

Non-profit legal service agencies have pro-bono or lowbono attorneys who can provide personalized legal advice to homeowners. A homeowner may wish to consult an attorney if they need assistance after an Order to Docket has been filed, before attending a mediation hearing, or if they are considering bankruptcy. Please be aware that some of these agencies have income restrictions for client eligibility.

To find a non-profit housing counseling or legal service agency near you, call the **Maryland Homeowner Assistance hotline** at **1-877-462-7555**. To learn more about the free resources for homeowners, visit the **Maryland Homeowner Assistance website** at *homeownerassistance.maryland.gov*.

Questions or Concerns?

More information about foreclosure can be found on our website at *www.labor.maryland.gov/finance*. You may also contact the Office of Financial Regulation's Consumer Services Unit by phone at **410-230-6077** or by email at *DLFRComplaints-LABOR@maryland.gov*.



If you are behind on your mortgage payments, getting help early in the process can mean the difference between saving your home and losing it to foreclosure. A HUD-approved housing counseling agency can help you understand your options for avoiding foreclosure and work with you to achieve the solution that works best for you. Contact a housing counseling agency that provides foreclosure counseling and serves the area where your home is located. Housing counseling agencies that assist homeowners statewide are shown at the end of this list.

SERVICE AREA	FORECLOSURE COUNSELING	HUD-APPROVED HOUSING COUNSELING AGENCY	PHONE	WEBSITE
Allegany County	Yes	Allegany County Human Resources Development Commission Inc.	301-783-1704	www.alleganyhrdc.org
Anne Arundel County	Yes	Anne Arundel County Community Action Agency Inc.	410-626-1900	www.aaccaa.org
	Yes	Arundel Community Development Service Inc.	410-222-7600	www.acdsinc.org
	Yes	Reservoir Hill Improvement Council Inc.	410-225-7547	www.reservoirhillbaltimore.org
	Yes	Belair-Edison Neighborhoods Inc.	410-485-8422	www.belair-edison.org
Baltimore City	Yes	Comprehensive Housing Assistance Inc.	410-500-5300	www.chaibaltimore.org
	Yes	Druid Heights Community Development Corporation	410-523-1350	www.druidheights.com
	Yes	Dundalk Renaissance Corporation	410-282-0261	www.dundalkusa.org
	Yes	Garwyn Oaks Northwest Housing Resource Center Inc.	410-947-0084	www.go-northwesthrc.org
	Yes	Harbel Housing Partnership	410-444-9152	www.harbel.org
	Yes	Housing Options & Planning Enterprises Inc.	301-567-3330	www.hopefinancial.org
	Yes	Latino Economic Development Corporation	202-540-7401	www.ledcmetro.org
	Yes	Neighborhood Assistance Corporation of America- Baltimore MD	410-783-0465	www.naca.com
	No	Neighborhood Housing Services of Baltimore Inc.	410-327-1200	www.nhsbaltimore.org
	No	Operation Hope-Baltimore Branch	443-885-0845	www.operationhope.org
	Yes	Reservoir Hill Improvement Council Inc.	410-225-7547	www.reservoirhillbaltimore.org
	Yes	Southeast Community Development Corporation	410-342-3234	www.southeastcdc.org
	Yes	St. Ambrose Housing Aid Center Inc.	410-366-8550	www.stambros.org
Baltimore County	Yes	Belair-Edison Neighborhoods Inc.	410-485-8422	www.belair-edison.org



HUD-Approved Housing Counseling Agencies

SERVICE AREA	FORECLOSURE COUNSELING	HUD-APPROVED HOUSING COUNSELING AGENCY	PHONE	WEBSITE
	Yes	Centro de Apoyo Familiar	301-328-3292	www.mycaf.org
	Yes	Comprehensive Housing Assistance Inc.	410-500-5300	www.chaibaltimore.org
	Yes	Diversified Housing Development Inc.	410-496-1214	www.diversifiedhousing.org
	Yes	Druid Heights Community Development Corp.	410-523-1350	www.druidheights.com
	Yes	Dundalk Renaissance Corporation	410-282-0261	www.dundalkusa.org
	No	Eastside Community Development Corporation	410-340-7610	www.eastsidecdc.org
	Yes	Home Partnership Inc.	410-679-3200	www.homepartnershipInc.org
	No	Neighborhood Housing Services of Baltimore Inc.	410-327-1200	www.nhsbaltimore.org
	No	Operation Hope - Pikesville Branch	443-272-5725	www.operationhope.org
	Yes	Reservoir Hill Improvement Council Inc.	410-225-7547	www.reservoirhillbaltimore.org
	Yes	Southeast Community Development Corporation	410-342-3234	www.southeastcdc.org
Carroll County	See below for Statew	ide provider		- I
Calvart County	No	Lifestyles of Maryland Foundation	301-609-9900	www.lifestylesofmd.org
Calvert County		Southern Maryland Tri-County Community Action	301-274-4474;	www.smtccac.org
	Yes	Committee	301-870-3770	
Caroline County	Yes	Maryland Rural Development Corporation	410-778-1100	www.mrdc.net
Cecil County	Yes	Cecil County Housing Agency	410-996-5245	www.ccgov.org
	Yes	Home Partnership Inc.	410-679-3200	www.homepartnershipInc.org
	Yes	Maryland Rural Development Corporation	410-778-1100	www.mrdc.net
	Yes	HomeFree-USA	855-493-4002	www.homefreeusa.org
Charles County	Yes	Housing Options & Planning Enterprises Inc.	301-567-3330	www.hopefinancial.org
	No	Lifestyles of Maryland Foundation	301-609-9900	www.lifestylesofmd.org
		Southern Maryland Tri-County Community Action	301-274-4474;	www.smtccac.org
	Yes	Committee	301-870-3770	
Dorchester County	No	Habitat for Humanity Choptank	410-476-3204	www.habitatchoptank.org
	Yes	Maryland Rural Development Corporation	410-778-1100	www.mrdc.net
	Yes	Telamon Corporation-Salisbury Branch	443-366-3594	www.telamon.org
Frederick County	Yes	Frederick Housing and Human Services	301-600-1506	www.cityoffrederick.com



HUD-Approved Housing Counseling Agencies

SERVICE AREA	FORECLOSURE COUNSELING	HUD-APPROVED HOUSING COUNSELING AGENCY	PHONE	WEBSITE
Garrett County	Yes	Garrett County Community Action Committee Inc.	301-334-9431	www.garrettcac.org
Harford County	Yes	Harford County Office of Community and Economic Development	410-638-3045	www.harfordhousing.org
	Yes	Home Partnership Inc.	410-679-3200	www.homepartnershipInc.org
	Yes	HomeFree-USA	855-493-4002	www.homefreeusa.org
Howard County	No	Making Change Center	443-518-7647	www.makingchangecenter.org
Kent County	Yes	Maryland Rural Development Corporation	410-778-1100	www.mrdc.net
Montgomery County	Yes	Centro de Apoyo Familiar	301-328-3292	www.mycaf.org
wonigomery county	Yes	HomeFree-USA	855-493-4002	www.homefreeusa.org
	Yes	First Home Alliance	877-250-9025	www.firsthomealliance.org
	Yes	Housing Initiative Partnership Inc Germantown	301-916-5946	www.hiphomes.org
	Yes	Latino Economic Development Corporation	202-540-7401	www.ledcmetro.org
	Yes	Money Management International - Silver Spring	866-232-9080	www.moneymanagement.org
	Yes	Sowing Empowerment and Economic Development	301-458-9808	www.seedInc.org
Prince George's County	Yes	Centro de Apoyo Familiar	301-328-3292	www.mycaf.org
Fince George's county	Yes	HomeFree-USA	855-493-4002	www.homefreeusa.org
	Yes	Housing Initiative Partnership Inc Hyattsville	301-699-3835	www.hiphomes.org
	Yes	Housing Options & Planning Enterprises Inc.	301-567-3330	www.hopefinancial.org
	Yes	Latino Economic Development Corporation	202-540-7401	www.ledcmetro.org
	Yes	Sowing Empowerment and Economic Development	301-458-9808	www.seedInc.org
	Yes	United Communities Against Poverty	301-322-5700	www.ucappgc.org
Queen Anne's County	Yes	Maryland Rural Development Corporation	410-778-1100	www.mrdc.net
	Yes	Shore Up! Inc.	410-749-1142	www.shoreup.org
Somerset County	Yes	Salisbury Neighborhood Housing Service Inc.	410-543-4626	www.salisburynhs.org
,	Yes	Shore Up! Inc.	410-749-1142	www.shoreup.org
	Yes	Telamon Corporation-Salisbury Branch	443-366-3594	www.telamon.org
St. Mary's County	No	Lifestyles of Maryland Foundation	301-609-9900	www.lifestylesofmd.org



HUD-Approved Housing Counseling Agencies

SERVICE AREA	FORECLOSURE COUNSELING	HUD-APPROVED HOUSING COUNSELING AGENCY	PHONE	WEBSITE
	Yes	Southern Maryland Tri-County Community Action Committee	301-274-4474; 301-870-3770	www.smtccac.org
Talbot County	No	Habitat for Humanity Choptank	410-476-3204	www.habitatchoptank.org
Washington County	Yes	Hagerstown Neighborhood Development Partnership Inc.	301-797-0900	www.hagerstownhomestore.org
Wicomico County	Yes	Salisbury Neighborhood Housing Service Inc.	410-543-4626	www.salisburynhs.org
	Yes	Shore Up! Inc.	410-749-1142	www.shoreup.org
	Yes	Telamon Corporation-Salisbury Branch	443-366-3594	www.telamon.org
Worcester County	Yes	Salisbury Neighborhood Housing Service Inc.	410-543-4626	www.salisburynhs.org
,	Yes	Shore Up! Inc.	410-749-1142	www.shoreup.org
	Yes	Telamon Corporation-Salisbury Branch	443-366-3594	www.telamon.org
Statewide	Yes	Money Management International	866-889-9347	www.moneymanagement.org
	No	Neighborhood Housing Services of Baltimore Inc.	410-327-1200	www.nhsbaltimore.org
	Yes	NID Housing Counseling Agency	833-940-4932	www.nidhousing.com
	Yes	St. Ambrose Housing Aid Center Inc.	410-366-8550	www.stambros.org

Revised: October 2023



Nonprofit legal services providers assist homeowners whose mortgage company has filed a foreclosure action in court. If you receive a Notice of Intent to Foreclose (NOI) or an Order to Docket (OTD) from the courts, consider contacting a legal services provider as soon as possible. Contact a provider that serves the area where your home is located. Additional information about nonprofit legal services providers in Maryland is available at www.mlsc.org.

SERVICE AREA	NONPROFIT LEGAL SERVICES PROVIDERS	PHONE	WEBSITE
Allegany County	Allegany Law Foundation	301-722-3390	www.alleganylaw.com
Baltimore City	Baltimore Bar Foundation - Senior Legal Services Program	410-539-5936	www.baltimorebar.org
Baltimore City - Only assists tenants impacted by foreclosure	Public Justice Center of Maryland	410-625-9409	www.publicjustice.org
Baltimore City	St. Ambrose Housing Aid Center	410-366-8550 x249	www.stambros.org
Baltimore City, Prince George's County	Pro Bono Resource Center of Maryland	410-837-9379	www.probonomd.org
Caroline, Dorchester, Kent, Queen Annes, Somerset, Talbot,			
Wicomico, Worcester	Shore Legal Access	410-690-8128	www.shorelegal.org
Prince George's County	Community Legal Services of Prince George's County Inc.	240-391-6370	www.clspgc.org
Statewide - reduced fee legal assistance for moderate-income			
households	Civil Justice Inc.	443-853-1011	www.civiljusticenetwork.org
Statewide	Legal Aid Bureau Inc.	888-213-3320	www.mdlab.org
		410-547-6537	
		(9am-12pm, Monday-	
Statewide	Maryland Volunteer Lawyers Services Inc.	Thursday)	www.mvlslaw.org

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