U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-8000

ASSISTANT SECRETARY FOR HOUSING-
FEDERAL HOUSING COMMISSIONER

Date: November 30, 2023

Mortgagee Letter 2023-23

To: All FHA-Approved Mortgagees
All Direct Endorsement Underwriters
All Eligible Submission Sources for Condominium Project Approvals
All FHA Roster Appraisers
All FHA-Approved 203(k) Consultants
All HUD-Certified Housing Counselors
All HUD-Approved Nonprofit Organizations
All Governmental Entity Participants
All Real Estate Brokers
All Closing Agents

Subject

Updates to the Home Equity Conversion Mortgage (HECM) Program

Purpose

This Mortgagee Letter (ML) updates and streamlines policy for the HECM program to improve the long-term performance of the program.

Effective Date

The provisions of this ML are effective as follows:

Section of ML	Effective Date
24 CFR § 206.125 *Acquisition and sale of the property* and 24 CFR § 206.129 *Payment of Claim*	March 25, 2024
Occupancy Certification (III.B.1.p)	Effective Immediately.
Optional Assignment (III.B.1.r)	Effective Immediately.
Required Appraisals (III.B.2.b.vi)	March 25, 2024
Permissible Loss Mitigation Options Available for HECMs in Due and Payable Status (III.B.2.c.ii(D))	Effective Immediately.

Section of ML	Effective Date
Defaults for Unpaid Property Charges – Standard (III.B.2.c.ii)	Effective Immediately.
Cash for Keys Consideration (III.B.2.d.vii)	March 25, 2024
Claim Guidance (III.B.2.f.i)	March 25, 2024

All updates will be incorporated into a forthcoming update of the HUD Handbook 4000.1, *FHA Single Family Housing Policy Handbook* (Handbook 4000.1).

FHA will also take actions necessary to update the regulations codified in the Code of Federal Regulations (CFR) as soon as is practicable to incorporate the changes provided in this ML.

Affected Programs

The provisions of this ML apply to all FHA-insured HECMs.

Background

Changing market conditions, such as rising interest rates and inflation, have increased costs to Mortgagees participating in the HECM program. FHA believes that by streamlining certain HECM requirements it can reduce the cost associated with participating in the HECM program and mitigate risk to the Mutual Mortgage Insurance Fund (MMIF). The policies included in this ML will simplify servicing requirements, incentivize actions that improve outcomes for all HECM program participants, and protect the MMIF. Additionally, these changes should yield better financial outcomes for current and prospective FHA-approved Mortgagees participating in this important program, while reducing costs paid by HUD in connection with Due and Payable servicing and foreclosure actions.

In consideration of these conditions, and to reaffirm its commitment to the future success of this important program and the senior citizen population it is designed to serve, FHA has determined that changes are necessary to improve long-term program stability. FHA is therefore using the authority provided to FHA in the Reverse Mortgage Stabilization Act (RMSA) of 2013, codified in § 255(h)(3) of the National Housing Act, 12 U.S.C. § 1715z-20(h)(3) to issue this ML amending the regulations and requirements applicable to the HECM program as is necessary to improve the fiscal safety and soundness of the HECM program. This ML also sets forth additional administrative criteria that will enable Mortgagees to utilize the new program options.

Summary of Changes

This ML:

- modifies 24 CFR § 206.125 *Acquisition and sale of the property* and 24 CFR § 206.129 *Payment of Claim*;
- allows for verbal annual occupancy certification;
- modifies the definition of Mortgagee-Funded Cure;
- shortens the waiting period for assignment to FHA following a Mortgagee-Funded Cure;
- aligns post-Due and Payable appraisal requirements for all HECMs;
- permits the optional inclusion of Homeowners' Association (HOA) dues in the total arrearage for Property Charge repayment plans;
- removes the maximum arrearage for a HECM Borrower after an initial property charge repayment plan was unsuccessful;
- modifies the maximum arrearage amount for Mortgagees when electing to delay requesting approval to call a HECM Due and Payable;
- expands and updates the criteria for payment of Cash for Keys; and
- establishes a mortgagee incentive fee that may be paid to Mortgagees for completion of a Short Sale or Deed-in-Lieu (DIL) of Foreclosure.

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24 CFR § 206.3

The HECM regulations as codified in the CFR are modified as follows:

Definitions. (24 CFR § 206.3)

Statutory Maximum Claim Amount means the mortgage limit for a one-family residence under subsections 255(g) or (m) of the National Housing Act (as adjusted where applicable under section 214 of the National Housing Act) as of the date of loan closing.

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24 CFR § 206.125(b)

Appraisal. **(24 CFR § 206.125(b))**

The mortgagee shall have the property appraised by an appraiser on the FHA roster, or other appraiser acceptable to, and identified by, the Commissioner through Federal Register notice, no later than 30 days after receipt of the request by an applicable party in connection with a potential property sale. The property shall be appraised before a foreclosure sale and have an effective appraisal date as determined by the Commissioner through notice. The appraisal shall be at the requesting party's expense unless the mortgage is due and payable. If the mortgage is due and payable, the appraisal shall be at the mortgagee's expense but the mortgagee shall have a right to be reimbursed out of the proceeds of any sale by the borrower or other permissible party. The Commissioner may, through Federal Register notice, identify other acceptable types of valuation for establishing the value of HECMs for the purpose of sale**.**

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24 CFR § 206.125(f)(1)

***Deed in lieu of foreclosure*. (24 CFR § 206.125(f)(1))**

(i) In order to avoid delays and additional expense as a result of instituting and completing a foreclosure action, the mortgagee shall accept a deed in lieu of foreclosure from the borrower or other party with legal right to dispose of the property provided it is filed for recording within a time determined by the Commissioner and the mortgagee is able to obtain good and marketable title.

(ii) ***Cash for Keys***. The Commissioner may provide a financial incentive, in an amount to be determined by the Commissioner, to be paid by the mortgagee and reimbursed through any subsequent claim where a borrower or other party with a legal right to do so deeds the property within a time determined by the Commissioner.

(iii) ***Mortgagee incentive*.** The Commissioner may, in an amount to be determined by the Commissioner, pay an incentive to a mortgagee for completion of a deed in lieu of foreclosure.

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24 CFR § 206.125(g)

***Sale of the acquired property.* (24 CFR § 206.125(g))**

(4) The Commissioner may provide financial incentive, in an amount to be determined by the Commissioner, to be paid by the mortgagee and reimbursed through a subsequent claim when all occupants vacate the property prior to an eviction being initiated by the mortgagee.

(i) ***Mortgagee incentive*.** The Commissioner may, in an amount to be determined by the Commissioner, pay an incentive to a mortgagee for completion of a sale described in this section.

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24 CFR § 206.129(b)(3)

***Payment of claim*. (24 CFR § 206.129(b)(3))**

(a) ***General.*** If the claim for the payment of the insurance benefits is acceptable to the Commissioner, payment shall be made in cash in the amount determined under this section.

(b) ***Limit on claim amount.***

(1) For HECMs assigned Case Numbers prior to September 19, 2017, in no case may the claim paid under this subpart exceed the maximum claim

amount. The interest allowance provided in paragraphs (d)(3)(x), (e)(2), and (f)(2)(i) of this section shall not be included in determining the limit on the claim amount.

(2) For HECMs assigned Case Numbers on or after September 19, 2017, in no case may the claim paid under this subpart exceed the maximum claim amount, as defined in § 206.3. The interest allowance provided in paragraphs (d)(3)(x), (e)(2) and (f)(2)(ii) of this section shall be made in cash in the amount determined under this section and shall be included in determining the limit on the claim amount.

(3) Notwithstanding paragraphs (b)(1) and (2), claimable amount for incentives and Cash for Keys may exceed the maximum claim amount but in no case shall any claim amount for insurance benefits exceed the Statutory Maximum Claim Amount as defined in § 206.3.

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24 CFR § 206.129(d)(3)

Payment of claim. **(24 CFR 206.129(d)(3))**

(xi) Any amount of incentive paid by the mortgagee or to the mortgagee in accordance with § 206.125(f)(1)(ii)–(iii), or § 206.125(g)(4);

FHA Single Family Housing Policy Handbook 4000.1

Servicing and Loss Mitigation

The policy changes will be incorporated into Handbook 4000.1 as follows:

Occupancy Certification (III.B.1.p)

i. Standard

(A) Annual Occupancy Certification

The Mortgagee must obtain an annual certification from the Borrower and any Eligible NBS that the HECM Property remains the Borrower's and any Eligible NBS's Principal Residence. The Mortgagee may obtain the certification either by hard copy, electronically, or verbally.

The certification must include the following warning above the signature line when obtained in writing:

> *I/We, the undersigned, certify under penalty of perjury that the information provided above is true and correct. WARNING: Anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to five years, fines, and civil and administrative penalties. (18 U.S.C. §§ 287, 1001, 1010, 1012, 1014; 31 U.S.C. §§ 3729, 3802).*

When the certification is obtained verbally, the Mortgagee must first read the warning provided below before obtaining confirmation of the following from the Borrower and any Eligible NBS:

> *We are required to tell you that anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties under federal statutes, including the False Claims Act and Fraud Enforcement and Recovery Act. Such criminal and/or civil penalties include confinement for up to five years, fines, and civil and administrative penalties.*
>
> *Do you certify under penalty of perjury that the information you provided is true and accurate? If so, say 'yes'.*

If the Mortgagee receives the Borrower's or Eligible NBS's occupancy certification verbally, the Mortgagee's employee must sign and date the verification and note the name and the phone number of each Borrower or Eligible NBS with whom occupancy was verified. Mortgagees must retain an audio recording of the verification in the Mortgagee's servicing systems and provide the recording to FHA upon request.

Temporary Absences

The Mortgagee must advise the Borrower to notify the Mortgagee of absences from the Property in excess of two months to avoid determinations that the Borrower's Principal Residence has changed.

The Mortgagee must proceed in accordance with Due and Payable (III.B.2.b) guidance in the event the Borrower fails to comply with the HECM provisions.

(B) Identifying Non-Borrowing Spouses

For HECMs with FHA case numbers assigned before August 4, 2014, Mortgagees must request information from Borrowers to attempt to identify NBSs. This request must be sent to Borrowers with the annual occupancy certification and include the following:

- Is the Borrower currently married?
- Is the Borrower's spouse a Borrower on the HECM loan?
- If the Borrower is currently married and the spouse is not a Borrower on the HECM loan, please provide the following:
    - NBS's name;
    - NBS's Social Security Number (SSN) or Taxpayer Identification Number (TIN);
    - NBS's date of birth; and
    - date of the couple's marriage.

(C) Eligible Non-Borrowing Spouse Annual Certification

Borrowers that identified themselves as being married with an Eligible NBS at origination must submit an additional certification on an annual basis certifying that the NBS continues to meet the Qualifying Attributes. This certification may be completed verbally consistent with the requirements for the Borrower's or Eligible NBS's Annual Occupancy Certification. Upon the death of the last surviving Borrower, the Mortgagee must comply with the requirements for a Deferral Period (III.B.2.b.ii(A)(1)).

In the event of a divorce between a HECM Borrower and the NBS, Mortgagees are required to obtain a copy of the final divorce decree. Such NBS is no longer eligible for a Deferral Period and the Mortgagee is no longer required to have such HECM Borrower or the former spouse satisfy the NBS certification requirements.

ii. Required Documentation

The Mortgagee must retain in the servicing file copies of all:

- annual certifications; and
- documentation of Borrowers' absences from the Property.

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Servicing and Loss Mitigation

Optional Assignment (III.B.1.r)

i. Definitions

Assignment refers to a Mortgagee's right to assign the HECM to HUD when the outstanding balance is equal to or greater than 98 percent of the MCA, or when the Borrower has requested a payment that will cause the outstanding balance to equal or exceed 100 percent of the MCA.

Mortgagee-Funded Cure refers to the use of the Mortgagee's corporate funds to repay or forgive the outstanding corporate advances for Property Charge payments made by the Mortgagee on the Borrower's behalf with no further repayment to the Mortgagee required.

Mortgagee Optional Election (MOE) Assignment refers to an assignment option available to Mortgagees for cases where an FHA case number was assigned prior to August 4, 2014, and is associated with an Eligible Surviving NBS.

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Servicing and Loss Mitigation

Required Appraisals (III.B.2.b.vi)

(A) Standard

(1) Appraisal Requested

The Mortgagee must have the Property appraised by an FHA Roster Appraiser no later than 30 Days after the Borrower, Borrower's estate, heir, or other party with authority to dispose of the Property (III.B.2.b.iv) requests an appraisal in connection with a pending sale of the Property.

- If the HECM is not Due and Payable, the appraisal is at the Borrower's expense.
- If the HECM is Due and Payable, the appraisal is at the Mortgagee's expense, but the Mortgagee may be reimbursed from the proceeds of any sale or through the claim process.

(2) Appraisal for Foreclosure Sale

The Mortgagee must have the Property appraised before a foreclosure sale. The appraisal must have an effective date that is no more than 30 Days before the sale. If a foreclosure sale is rescheduled, the Mortgagee may continue to use the appraisal obtained for the initial foreclosure sale date provided it remains valid and unexpired as of the date of the foreclosure sale.

(3) Appraisal for Appraisal-Based Claim

If the Mortgagee is submitting an appraisal-based claim, the Mortgagee must use a valid, unexpired appraisal as of the date of claim submission.

(B) Required Documentation

The Mortgagee must retain copies of all appraisals in the servicing file.

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Servicing and Loss Mitigation

Permissible Loss Mitigation Options Available for HECMs in Due and Payable Status (III.B.2.c.ii(D))

(1) Option 1: HECM Loss Mitigation Repayment Plan

The Mortgagee must determine the Borrower's ability to support, and likelihood of success under, a Repayment Plan before offering this Loss Mitigation Option. If the Borrower will not be able to repay the corporate advance within the permissible time, this Loss Mitigation Option is not available. Additionally, any permissible Repayment Plan must provide that in the event the last surviving Borrower dies before the Repayment Plan is paid in full, any outstanding amounts owed become immediately due and must be satisfied within 30 Days.

The Mortgagee must follow the steps below when evaluating a Borrower for a Repayment Plan.

(a) Assessing the Borrower for a Repayment Plan

When assessing a Borrower for a Repayment Plan, the Mortgagee must evaluate the Borrower's ability to repay the Mortgagee's corporate advances through a Repayment Plan by using the financial information provided by the Borrower and the calculation instructions below.

The Mortgagee must determine the shortest time period necessary, not to exceed five years, for the Repayment Plan to ensure repayment at the earliest possible date.

(b) Repayment Plan Calculation

***(i)* Calculate Total Arrearage**

The total arrearage is determined by adding the outstanding corporate advances for taxes and/or insurance made for the account to any Property Charges due for the next 90 Days. HOA and Condominium Association dues may be included in the total arrearage at the Mortgagee's discretion.

***(ii)* Calculate Monthly Surplus Income**

The HECM Borrower's monthly surplus income is the total amount of income as stated by the Borrower, less:

- the Borrower's necessary living expenses; and
- one-twelfth of the Property Charges due over the next 12 months.

***(iii)* Calculate Repayment Plan Terms**

The Mortgagee must determine if the Repayment Plan can be achieved using 25 percent of the Borrower's monthly surplus income. If the total arrearage amount divided by 25 percent of the Borrower's monthly surplus income, rounded up to the nearest whole month, is:

- 60 months or less, the result is the required length of the Repayment Plan; or
- more than 60 months, the Mortgagee must determine the percentage of the Borrower's monthly surplus income needed to repay in 60 months:

- if the resulting percentage would represent a reasonable expectation of the Borrower's performance, the required length of the Repayment Plan is 60 months; or
- if the resulting percentage would represent an unreasonable expectation of the Borrower's performance, the Borrower's surplus income is insufficient to support a Repayment Plan and this option is no longer available.

***(iv)* Insufficient Surplus Income for a Repayment Plan**

Where the Mortgagee determines that the Borrower's surplus income is insufficient to support a reasonable Repayment Plan, the Mortgagee may assess the Borrower for an At-Risk extension (III.B.2.c.ii(D)(2)).

(c) Additional Unpaid Property Charges or Hardship Experienced after Establishing a Repayment Plan

***(i)* Additional Unpaid Property Charges**

In cases where there is an active Repayment Plan, the Mortgagee may re-evaluate the Borrower for a new Repayment Plan if the Borrower again fails to pay the required Property Charges. The Mortgagee must solicit new financial information from the Borrower to conduct this assessment.

To revise the Repayment Plan, the Mortgagee must use a recalculated total arrearage, including all outstanding corporate advances made.

The Mortgagee must determine the maximum permitted length of a new Repayment Plan by subtracting the number of months of previous Repayment Plan participation from 60 months, which is the maximum available time frame. The Mortgagee must then determine if the new Repayment Plan can be achieved using 25 percent of the Borrower's monthly surplus income. If the revised total amount divided by 25 percent of the Borrower's monthly surplus income, rounded up to the nearest whole month, is:

- no more than the maximum permitted length as calculated above, the result is the required length of the new Repayment Plan; or
- more than the maximum permitted length, the Mortgagee must determine the percentage of the Borrower's monthly surplus income needed to repay within the permitted time period:
    - if the resulting percentage would represent a reasonable expectation of the Borrower's performance, the required length of the new Repayment Plan is the maximum permitted time; or

   - if the resulting percentage would represent an unreasonable expectation of the Borrower's performance, the Borrower's surplus income is insufficient to support a new Repayment Plan and this option is no longer available.

The required minimum monthly payment for a new Repayment Plan equals the revised total arrearage divided by the length of the new Repayment Plan.

***(ii)* Experienced Hardships**

If the Borrower experiences a decrease in their surplus income due to a verified hardship (e.g., illness, death of a household member who was identified as a contributor of income in a previous Repayment Plan calculation, emergency home repair, loss of employment income, etc.) and requests a Repayment Plan adjustment, the Mortgagee must solicit new financial information from the Borrower to conduct a new Repayment Plan assessment.

To revise the Repayment Plan the Mortgagee must use a recalculated Borrower's surplus income amount.

The Mortgagee must determine the maximum permitted length of a new Repayment Plan by subtracting the number of months of previous Repayment Plan participation from 60 months, which is the maximum available time frame. The Mortgagee must then determine if the new Repayment Plan can be achieved using 25 percent of the Borrower's new monthly surplus income. If the total amount divided by 25 percent of the Borrower's new monthly surplus income, rounded up to the nearest whole month, is:

- no more than the maximum permitted length as calculated above, the result is the required length of the new Repayment Plan; or
- more than the maximum permitted length, the Mortgagee must determine the percentage of the Borrower's new monthly surplus income needed to repay within the permitted time:
  - if the resulting percentage would represent a reasonable expectation of the Borrower's performance, the required length of the new Repayment Plan is the maximum permitted time; or
  - if the resulting percentage would represent an unreasonable expectation of the Borrower's performance, the Borrower's surplus income is insufficient to support a new Repayment Plan and this option is no longer available.

The required minimum monthly payment for a new Repayment Plan equals the total arrearage divided by the length of the new Repayment Plan.

***(iii)* Insufficient Surplus Income for a New Repayment Plan**

Where the Mortgagee determines that the Borrower's surplus income is insufficient to support a reasonable new Repayment Plan, the Mortgagee may assess the Borrower for an At-Risk extension (III.B.2.c.ii(D)(2)).

(d) Unsuccessful Repayment Plan Performance [Text was deleted in this section.]

A Borrower's Repayment Plan performance is unsuccessful when a full monthly payment is not made within 60 Days of the monthly payment due date.

Where a Borrower fails to perform successfully under an existing Repayment Plan, the Mortgagee may consider one of the following options:

- if the Mortgagee determines that a recalculated Repayment Plan results in reasonable payments, provide the Borrower with such; or
- if the Mortgagee determines that a recalculated Repayment Plan results in unreasonable payments, assess the Borrower for an At-Risk extension (III.B.2.c.ii(D)(2)).

If a Repayment Plan is unsuccessful and either the Mortgagee chooses not to offer one of the above options or, after considering the options, determines neither is available, any extension to the foreclosure time frames cease immediately and the Mortgagee must proceed in accordance with HUD's regulations. However, the Mortgagee may receive an automatic 90-Day extension after a failed Repayment Plan to resume or restart foreclosure.

FHA Single Family Housing Policy Handbook 4000.1

Servicing and Loss Mitigation

Defaults for Unpaid Property Charges – Standard (III.B.2.c.ii)

(E) Optional Delay to Submit a Due and Payable Request for Low Balance Arrearages

The Mortgagee may delay submitting a due and payable request to HUD for HECMs with a total Property Charge arrearage amount that is $5,000.00 or less by uploading documentation into HERMIT establishing that either:

- the Mortgagee is unable to contact the Borrower, and:

  - the Mortgagee has received the Borrower's current annual Occupancy Certification; and
  - the Mortgagee has no indication that the Borrower has vacated the Property; or
- the Mortgagee has contacted the Borrower, and:
  - the Borrower has expressed a willingness to repay; and
  - the Borrower is currently making payment or partial payments.

The Mortgagee must submit a due and payable request to HUD immediately upon the occurrence of any of the following events, whichever occurs first:

- the Borrower fails to timely complete the annual Occupancy Certification;
- the Borrower no longer occupies the Property securing the HECM as their Principal Residence;
- 12 months have elapsed from the first missed property tax and/or Hazard Insurance payment, and the Mortgagee is still unable to contact the Borrower;
- the Borrower has expressed an unwillingness to repay; or
- the total arrearage exceeds $5,000.00.

(F) Rescission of Due and Payable for a Mortgagee-Funded Cure

A Mortgagee may request HUD rescind a previous due and payable approval where the Mortgagee has completed a Mortgagee-Funded Cure and there are no other outstanding reasons for default.

(G) Curing the Default Following a Due and Payable Request

At any time prior to a foreclosure, the HECM default may be cured if the Borrower or Eligible NBS:

- becomes current on all Property Charges;
- repays all applicable corporate advances made by the Mortgagee; and
- fully cures any outstanding reasons for default.

Where the last surviving Borrower has died and there is an Eligible NBS, the Deferral Period Requirements (III.B.2.b.ii(A)(1)) will apply after the property charge default is cured.

HECMs with Repayment Plans or an At-Risk extension (III.B.2.c.ii(D)(2)) are not eligible for assignment until the default is cured, at which time the Mortgagee may assign the HECM in accordance with guidance for submitting assignment requests (III.B.1.r).

(H) Assignment Following a Mortgagee-Funded Cure

A Mortgagee may choose to assign a HECM that meets all other eligibility criteria for assignment following completion of a Mortgagee-Funded Cure. A

Mortgagee-Funded Cure is complete only after the Borrower has made at least one year of Property Charge payments during which the Mortgagee has not advanced any additional funds on the Borrower's behalf. The Mortgagee must identify the Mortgagee-Funded Cure in HERMIT under the "Alerts" tab as follows:

- New – select "Insurance Default" or "Tax Default;"
- Alert Date – enter the date of the Mortgagee-Funded Cure;
- Alert Amount – enter the amount funded by the Mortgagee;
- Status – enter "Active;" and
- Alert Note – enter "Mortgagee-Funded Cure."

The Mortgagee will not be reimbursed for any amount greater than the HECM's MCA in any claim for FHA insurance benefits.

FHA Single Family Housing Policy Handbook 4000.1

Servicing and Loss Mitigation

Cash for Keys Consideration (III.B.2.d.vii)

(A) Definition

Cash for Keys refers to a monetary consideration offered as an incentive to expedite a DIL, a Short Sale, or as an alternative to legal eviction.

(B) Standard

The Mortgagee may offer the Cash for Keys where:

- the Borrower or other party with a legal right to do so vacates the Property and provides a DIL to the Mortgagee;
- the Borrower or other party with a legal right to do so sells the Property as a Short Sale consistent with FHA requirements; or
- all occupants vacate the Property prior to an eviction completed by the Mortgagee.

The Mortgagee must send a Cash for Keys offer letter using a delivery method that provides the date of delivery. The date of the Cash for Keys offer letter for determining the amount of the Cash for Keys incentive is the date the offer is received by the Borrower or occupants of the Property.

The total claim calculated before the addition of any incentive or Cash for Keys must not exceed the MCA. The total claim, including any claimable incentive or Cash for Keys, must not exceed the FHA Statutory MCA for the HECM. The Statutory MCA means the mortgage limit for a one-family residence secured by a HECM as of the date of loan closing. The amount of Cash for Keys may not exceed the amounts described in the table below:

Cash For Keys Incentives		
Incentive Type	Time Frame	Incentive
DIL	Completed within 365 Days from Due and Payable Date	$7,500.00 + probate costs not to exceed $5,000.00 (Any probate costs claimed over $500.00 require supporting documentation.)
	Completed 366 Days to 547 Days from Due and Payable Date	$5,000.00 + probate costs not to exceed $5,000.00 (Any probate costs claimed over $500.00 require supporting documentation.)
Short Sale	Completed within 365 Days from Due and Payable Date	$7,500.00 + probate costs not to exceed $5,000.00 (Any probate costs claimed over $500.00 require supporting documentation.)
	Completed 366 Days to 547 Days from Due and Payable Date	$5,000.00 + probate costs not to exceed $5,000.00 (Any probate costs claimed over $500.00 require supporting documentation.)
Post-Foreclosure Eviction Avoidance	If the Property is vacated within 60 Days of the Cash for Keys offer	$7,500.00
	If the Property is vacated within 90 Days of the Cash for Keys offer	$5,000.00

Before releasing the funds for a DIL or a post-foreclosure eviction avoidance incentive, the Mortgagee must inspect the Property to ensure that:

- the Property is in Broom-swept Condition; and
- all built-in appliances and fixtures remain in the Property.

Allowable probate costs are court costs, attorney's fees, notary fees, fees for required notices, and mailing/copy fees.

(C) Required Documentation

Where Cash for Keys is offered in relation to a DIL, the Mortgagee must provide documentation with the claim in HERMIT showing the date and amount of consideration offered, along with the date:

- the DIL was executed and returned to the Mortgagee;
- the DIL was filed for recording;
- the occupant vacated the Property; and
- the occupant received the funds.

Where Cash for Keys is offered as part of a Short Sale, the Mortgagee must provide documentation with the claim in HERMIT showing:

- the date of the sale closing;
- the date and amount of the offer; and
- the date the occupant received the funds.

Where Cash for Keys is offered to an occupant as an alternative to eviction post-foreclosure, the Mortgagee must provide documentation with the claim in HERMIT showing:

- the date of the foreclosure sale;
- evidence the Mortgagee was the successful bidder;
- the date and amount of the relocation offer;
- the date of the actual vacancy; and
- the date the occupant received the funds.

Mortgagees must provide supporting documentation for any probate costs over $500.00 as part of their claim by uploading the documentation into the HERMIT system.

FHA Single Family Housing Policy Handbook 4000.1

Servicing and Loss Mitigation

Claim Guidance (III.B.2.f.i)

(H) Mortgagee Incentives

FHA will pay an incentive fee to Mortgagees for completion of a Short Sale or a DIL in the amount of $1,500.00. The Mortgagee must enter the incentive amount in block 305 of form HUD-27011, *Single-Family Application for Insurance Benefits*.

(I) Probate Costs

Where permitted to be paid as a Cash for Keys incentive, probate costs may not exceed $5,000.00. Any probate costs claimed over $500.00 require supporting documentation. The probate costs must be reasonable and customary for the area. The Mortgagee must enter the probate costs in block 305 of form HUD-27011.

Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3520) and assigned OMB control numbers 2502-0005; 2502-0059; 2502-0117; 2502-

0189; 2502-0302; 2502-0306; 2502-0322; 2502-0358; 2502-0404; 2502-0414; 2502-0429; 2502-0494; 2502-0496; 2502-0524; 2502-0525; 2502-0527; 2502-0538; 2502-0540; 2502-0556; 2502-0561; 2502-0566; 2502-0570; 2502-0583; 2502-0584; 2502-0589; 2502-0595; 2502-0600; 2502-0610; and 2502-0611. In accordance with the PRA, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

Feedback or Questions

HUD welcomes feedback from interested parties and will consider feedback in determining the need for future updates. Any feedback or questions regarding this ML may be directed to the FHA Resource Center at 1-800-CALLFHA (1-800-225-5342), answers@hud.gov, or www.hud.gov/answers. The FHA Resource Center is prepared to accept calls from persons who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. Information on how to make an accessible phone call is available at https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.

Signature

Julia R. Gordon
Assistant Secretary for Housing -
FHA Commissioner
