



VOLUME 2, ISSUE 4

September 23, 2013

THE BRIDGE

BREAKING NEWS

Get the latest on the Federal Housing Administration (FHA) Mortgagee Letter (ML) 2013-26, *Back to Work – Extenuating Circumstances*, changes to the HECM program, and proposed revisions to the Housing Counseling Program Code of Federal Regulations, 24CFR214.

Housing Counseling Rocks Against Mortgage Scams!

Working Together to Prevent Mortgage Scams

By Lorraine Griscavage-Frisbee, HUD Office of Housing Counseling



In 2009, Bruce, a Las Vegas housing counselor who specialized in reverse mortgage counseling, started to notice a pattern with some seniors he counseled. Despite Las Vegas' poor housing market and tremendous loss of equity for homeowners, seniors were telling him about a fabulous new government program that would allow them to refinance their underwater mortgages with a new reverse mortgage.

The best part of the program was that the federal government would pay the current lender the difference! Concerned, Bruce contacted the Las Vegas HUD office to find out if such a new program existed. HUD explained that no current FHA programs existed at the time and also researched *Making Home Affordable* programs and did not find any.

Bruce worked with HUD and contacted some of his senior clients to get more information. When one name repeatedly came up regarding this new program, HUD checked with the quality assurance counterpart in the office and discovered that the individual was not an approved mortgage broker with the Nevada Mortgage Lenders Division.

(continued on page 3)



Homeownership Preservation Foundation Works to Curb Foreclosure Rescue Scams

Source: www.995hope.org

Homeownership Preservation Foundation (HPF) is on the front lines of what's happening across the country among distressed homeowners. It has seen an alarming uptick in the number of callers who, in addition to dealing with the stress of possible foreclosure, have been victimized by some type of fraudulent activity. HPF has partnered with HUD, Fannie Mae, Freddie Mac, the U.S. Department of the Treasury, the Lawyers Committee for Civil Rights Under Law and NeighborWorks America, among others, to curb foreclosure rescue scams.

In February 2011, the Federal Trade Commission (FTC) issued a rule prohibiting the payment of any up-front fees to negotiate mortgage-reduction payments on behalf of a homeowner. Nevertheless, the experience of many homeowners indicates that companies and individuals continue to openly violate the rule, asking for up-front fees of thousands of dollars in some instances. In HPF's experience, the individuals did not report positive benefits as a result of these payments.

Minorities Targeted

Mortgage scam artists seem to prey on minorities in particular. Virtually half of the potential scam calls fielded by the HOPE-hotline have been from homeowners who voluntarily identified

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FROM THE DEPUTY ASSISTANT SECRETARY



Sarah Gerecke
*Deputy Assistant
Secretary
Office of Housing*

KNOW IT

AVOID IT

REPORT A SCAM

Greetings,

When HUD launched its anti-scam campaign, “*Know It. Avoid It. Report It.*,” the number of homeowners facing foreclosures was extremely high and many did not know where to turn for help. Some of these homeowners who could have saved their homes unknowingly became victims of foreclosure and loan modification scams.

Today, although there is a decline in reports of suspected mortgage fraud, homeowners continue to be preyed upon by companies touting mortgage relief services. This month’s issue of ‘*The Bridge*,’ features the progress being made to educate and inform homeowners and renters on how to avoid being scammed, as well as, how housing stakeholders are fighting back against these predatory practices.

Organizations such as the Homeownership Preservation Foundation (HPF) are on the front lines of combating mortgage fraud partnering with government agencies such as the U.S. Department of Housing and Urban Development (HUD), U.S. Treasury, and others. State Attorney General’s offices are shutting down fraudulent businesses that continue to deceive vulnerable homeowners and renters. And HUD-approved housing counseling agencies are being vigilant in educating and assisting homeowners and renters who become entangled in these schemes.

Working together with our housing counseling agencies, federal, state and local government, and other organizations, we will meet our goal to help homeowners and renters be empowered with knowledge to shield themselves from scammers, report scam activity, and save their homes. If counselors encounter clients facing a scam, please use the helpful resources on page 6.

There are a number of “Breaking News” matters in this issue, including proposed revisions to the Housing Counseling Program, changes to the Home Equity Conversion Mortgage (HECM) program, and new flexibilities announced in the *FHA Back to Work – Extenuating Circumstances* Mortgagee Letter.

I want to recognize the tremendous work by the Office of Housing Counseling staff and HUD colleagues to produce these critical policies that continue to benefit the housing counseling industry and the stakeholders we serve.

If we all continue to be vigilant, we will make a difference!

~Sarah

HOUSING COUNSELING ROCKS, cont.

(continued from page 1)

Working Together to Prevent Mortgage Scams



Together, Bruce and HUD reported their findings to the Las Vegas Office of Inspector General's investigators. They in turn contacted the housing counselor and clients for more information, and then turned the case over to President Obama's [Financial Fraud Enforcement Task Force \(FFETF\)](#).

The perpetrator pled guilty to one count of wire fraud in federal court in connection with his scheme to defraud distressed homeowners as well as one count of theft of government funds for defrauding the Social Security Disability Insurance benefits program. He was sentenced to 37 months in prison in December 2012.

According to court documents, the perpetrator identified homeowners whose mortgage debt exceeded the value of their homes and charged them a fee purportedly to reduce the principal balance of their mortgages using money from the U.S. Department of the Treasury's Troubled Asset Relief Program (TARP).

The perpetrator admitted in court that he lied to homeowners about his affiliation with several mortgage lenders and that he provided victims with fraudulent letters stating they had been approved for loans. He also admitted he falsely told victims that his loan program had been successful in the past and charged homeowners for loan modifications he knew he could not deliver.

Court documents also showed that he concealed from homeowners the fact that the state of Nevada had issued a cease and desist order which legally prohibited him from working in the mortgage industry. By the time of his arrest, the perpetrator had collected over \$100,000 in fees from distressed homeowners, many of whom lost their homes to foreclosure after he failed to deliver the loan modifications he promised.

This conviction illustrates how important housing counselors are as the first line of defense for scammers.

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HPF Works to Curb Foreclosure Rescue Scams



The same population groups that were disproportionately targeted for predatory lending during the housing boom are now bearing the brunt of an unusually high percentage of mortgage scams. Senior citizens across all demographics are also particularly vulnerable.

HOPE™ Hotline

Anti-scam counseling has now become a critical part of the service provided by HPF's Homeowner's HOPE™ Hotline, and they have a team of anti-scam experts specifically trained to educate homeowners about common scams and the red flags to look for so that they aren't victimized while trying to resolve their mortgage problems. Unfortunately, the counseling is after the fact in some cases, but in most cases it is a preventative intervention.

Warning Signs

Do you know the warning signs of a potential mortgage scam?

1. A company/person asks for a fee in advance to work with your lender to modify, refinance, or reinstate your mortgage.
2. A company/person guarantees they can stop a foreclosure or get your loan modified.
3. A company/person advises you to stop paying your mortgage company and pay them instead.
4. A company/person pressures you to sign over the title to your home or sign any paperwork that you haven't read or don't fully understand.
5. A company/person claims to offer "government-approved" or "official government" loan modifications.
6. A company/person you don't know asks you to release personal financial information.

For more information on preventing foreclosure rescue scams, contact,

HPF's Homeowner's HOPE™ Hotline: 888-995-HOPE or visit: www.995hope.org.

INQUIRING MINDS WANT TO KNOW

What Are Some of the Most Common Loan Modification Scams?

Before considering a loan modification, housing counseling clients should be aware of some of the most common loan modification scams out there today.

Source: www.loanscamalert.org

Phony Counseling or Foreclosure Rescue Scams

The scam artist poses as a counselor and tells consumers he can negotiate a deal with the lender to modify their loan or save their house—if the consumer pays a fee first. The fee may be called a processing or administrative fee. Once the consumer pays the fee, or a few mortgage payments, the scammer disappears with their money.

Fake "Government" Modification Programs

Here, the scam artist may claim to be affiliated with, or approved by, the government, or may ask the consumer to pay high, up-front fees to "qualify" for government mortgage modification programs. Websites may sound like a real government agency, but end with .com or .net instead of .gov. Consumers may also see terms like "federal," "HAMP," "MHA," "HARP" or other words related to official U.S. government programs.

Contact the lender first. Lenders will be able to tell consumers if they qualify for any government programs to prevent foreclosure or modify their loan *without* having to pay a fee.

Forensic Loan Audit

In this case, the scammer, who may be called a forensic or mortgage loan "auditor," offers to review the consumer's mortgage loan documents to determine whether their lender complied with state and federal mortgage lending laws, usually for a fee. Consumers may be told that they can use the audit report to avoid foreclosure, accelerate the loan modification process, reduce their loan principal, or even cancel their loan.

Mass Joinder Lawsuit

The scam artist, usually a lawyer, law firm, or a marketing partner, will promise that they can force the lender to modify a loan. The scammer will tell consumers that by joining other homeowners in a mass joinder lawsuit against a particular lender, homeowners will be able to stop a foreclosure, reduce their loan balance or interest rate, receive monetary damages, or even receive title to their house free and clear.



Mass joinder lawsuits can be used legitimately; these lawyers are usually paid "after" the lawsuit is over, on a contingency basis.

However, mass joinder lawsuit scammers will try to "sell" homeowners participation in a lawsuit against their mortgage lender, claiming that they cannot participate in the lawsuit until they pay some type of fee.

Bait-and-Switch

The scam artist convinces homeowners to sign documents for a "new loan modification" that will make their existing mortgage current, but they actually just signed documents that surrender the title or deed of their house to the scam artist in exchange for a "rescue" loan. Homeowners should thoroughly read and seek reputable guidance on any document before they sign it.

Rent-to-Own or Leaseback Scheme

A scammer urges homeowners to surrender the title or deed of their home as part of a deal that will let them stay in their home as a renter and then buy it back in a few years. Homeowners may be told that surrendering the title will permit a borrower with a better credit rating to get new financing—and keep them from losing their home. The terms of these deals usually make buying back their home impossible. Worse yet, when the new borrower defaults on the loan, the homeowner is evicted.

Keep abreast of the latest loan scam information and resources at: www.loanscamalert.org.

OUT AND ABOUT AROUND THE NATION

California Homeowner Fights Back After Mortgage Scam

Source: Real Stories at www.loanscamalert.org



Jose Chirino

California- Loan scammers target more than just homeowners struggling to pay their mortgage. California homeowner Jose Chirino knows that first hand. In November 2010, he received a call from a company that promoted debt relief services through loan modification, debt settlement, forensic loan audits and more. The firm offered to do a forensic audit on Mr. Chirino's mortgage although he was current.

Empty Promises

The company promised they could get Mr. Chirino's lender to reduce his mortgage by hundreds of dollars. They claimed his mortgage contract was probably bad based on their experience with his lender. They also said once the errors were "uncovered" during the forensic audit, they could demand that the bank reduce his mortgage. Mr. Chirino thought the promise to get his mortgage reduced because of errors in his contract was an offer too good to refuse. He decided to let the firm conduct a forensic audit on his mortgage.

Mr. Chirino was told that the firm's lawyers would work on his file. After that, he would receive information from his lender in about one month. The cost for the audit was \$2,000, which he could pay in easy installments. He paid the first installment of \$1,000 to start the forensic audit process. He was told they found some errors on the mortgage contract. Next he paid the second installment of \$500 to continue the audit. A month passed and he still hadn't heard anything about the audit results. He called to check on the status but no one returned his calls. Something was wrong.

Mr. Chirino called his lender about the forensic audit status. To his surprise, the firm had never called the lender. In fact, his lender knew nothing about the forensic audit or any negotiations to reduce his mortgage.

Taking Action

After talking to his lender, Mr. Chirino made repeated calls to the company but nothing happened. He paid \$1500 and did not get what he was promised. He realized he was scammed and demanded that the company refund his money. Despite his best efforts, the firm ignored his demand.

Getting Vital Assistance to Fight Back

Mr. Chirino needed help. He reached out to a local nonprofit, SurePath, a HUD-approved housing counseling agency. They referred him to Law Foundation of Silicon Valley, an organization that could assist him reporting the scam and getting his money back. Working with the Fair Housing Law Project, a program of the Law Foundation of Silicon Valley, Mr. Chirino submitted a demand letter that detailed his claims.

After repeated communications, the "debt relief" company finally issued a full refund to him in July 2011. Now, Mr. Chirino wants to make sure other homeowners do not get scammed.

For more information on SurePath, visit: www.surepath.org and the Law Foundation of Silicon Valley at www.lawfoundation.org.



SCAM PREVENTION RESOURCES

There is a wealth of information from government agencies and national organizations to help housing counselors provide reporting guidance and scam prevention resources to clients.



HUD Fraud Hotline: 1-800-347-3735

<http://www.hud.gov/offices/oig/hotline/index.cfm>



STOPFRAUD.GOV
FINANCIAL FRAUD ENFORCEMENT TASK FORCE

Fraud Enforcement Taskforce

<http://www.stopfraud.gov/>

Stop Loan Modification Scams!

Know it. Avoid it. Report it. e-Kit

http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/prevent_loan_scams



FEDERAL TRADE COMMISSION
PROTECTING AMERICA'S CONSUMERS

Federal Trade Commission

<https://www.ftccomplaintassistant.gov/>



homeownership
preservation foundation

Homeownership Preservation Foundation:

<http://www.995hope.org/>

THE **FBI** FEDERAL BUREAU OF INVESTIGATION

**Federal Bureau of Investigations (FBI) –
Mortgage Fraud**

http://www.fbi.gov/hq/mortgage_fraud.htm



**U.S. Department of Justice:
'Bankruptcy Foreclosure' or
'Mortgage Rescue' Scams**

www.justice.gov/ust/eo/public_affairs/consumer_info/foreclosure_scams.htm



**Prevent Loan Scams – A Project of the
Lawyers' Committee for Civil Rights Under
Law**

<http://www.preventloanscams.org/>



**U.S. Department of the Treasury: FinCen–
Financial Crimes Enforcement Network**

<http://www.fincen.gov/foreclosurerescue.html>



**Loan Modification Scam Alert -
NeighborWorks**

- English: <http://www.loanscamalert.org/>
- Spanish: www.alertafradedehipototeca.org/
- Chinese: www.loanscamalert.org/chinese.as
- Korean: www.loanscamalert.org/korean.aspx
- Vietnamese: www.loanscamalert.org/Vietnamese

BREAKING NEWS

Housing Counselor Certification Proposed Rule Published!

By Lorraine Griscavage-Frisbee, HUD Office of Housing Counseling



On September 13, 2013, HUD published proposed revisions to the Housing Counseling Program Code of Federal Regulations, 24CFR214. These proposed changes address amendments to the 2007 regulations as a result of the Dodd-Frank Wall Street Reform and Consumer Protection Act and include:

- Individual housing counselor certification
- A requirement that housing counseling agencies demonstrate that all counselors are HUD-certified
- New definitions incorporated from the Dodd-Frank Act
- A requirement that homeownership counseling must address the entire process of homeownership and include information on home inspections
- New requirements related to Housing Counseling Grant Funds

As we mentioned in the June edition, publication of this proposed rule is the first step to implementing the housing counselor certification and other programmatic changes mandated by Dodd-Frank. HUD will:

- Collect and review comments,
- Draft the final rule,
- Obtain Departmental and Office of Management and Budget clearance, and
- Publish the final rule.

To be part of this process, read the announcement and the proposed rule at: [Housing Counseling Program: New Certification Requirements](#).

Next Steps

Interested parties are invited to submit comments regarding this proposed rule by **November 12, 2013**.

All submissions must refer to the following docket number and title: **24 CFR Part 214 [Docket No. FR-5339-P-01] RIN 2502-AI94, TITLE: Housing Counseling Program: New Certification Requirements.**

There are two methods for submitting public comments:

1. **Submission of Comments by Mail** to the:
Regulations Division, Office of General Counsel
U.S. Department of Housing and Urban Development
451 7th Street SW., Room 10276
Washington, DC 20410-0500
2. **Electronic Submission of Comments** through the Federal eRulemaking Portal at www.regulations.gov. HUD strongly encourages electronic submission of comments which allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public.

Comments submitted electronically can be viewed by other commenters and interested members of the public.

Certification Exemptions and Grandfathering

Counselors may wonder if there is any way they could be exempt from the requirement that they be certified. While your comments are important on this issue, HUD would remind the commenters that all questions posed regarding “grandfathering” current counselors – that is, somehow allowing existing counselors to be exempt from certification or to be certified without having to pass the HUD examination – will not be considered in finalizing the rule, even though they will still become part of the official public comments.

Multiple Test Providers

In addition to the individual counselor requirement, HUD is also constrained in its ability to consider the question of whether there can be multiple test providers, and cannot consider this issue in final rule formulation. Please understand that these are legal provisions and not an unwillingness to engage stakeholders in creating the rule. HUD would also point out that while this proposed rule is an important step in formalizing Dodd-Frank requirements for counseling, it is only the first step – and HUD intends to refine and revise the rule as over time.

For More Information

The Office of Housing Counseling will be posting Frequently Asked Questions (FAQs) and plans to host a teleconference to highlight the proposed rule within the next few weeks. More information about the FAQs and upcoming call will be sent to all Housing Counseling listserv members. For more information and to join the listserv, please visit www.hud.gov/housingcounseling.

INQUIRING MINDS WANT TO KNOW

Why Have Changes Been Made to the Home Equity Conversion Mortgage (HECM) Program and What Are They?

By Lorraine Griscavage-Frisbee, HUD Office of Housing Counseling



FHA's *Fiscal Year 2012 Annual Report to Congress on the Financial Status of the MMI Fund* reported substantial stress in the Home Equity Conversion Mortgage (HECM) program and the President's FY 2013 Budget projected the economic value of the HECM portfolio to be negative.

In response to these concerns, Congress passed the *Reverse Mortgage Stabilization Act of 2013* authorizing the HUD Secretary to establish any additional or alternative requirements determined to be necessary to improve the fiscal safety and soundness of the program.

Changes Announced

On September 3, 2013, FHA announced two mortgagee letters (ML) addressing changes. "The changes being announced today will realign the HECM program with its original intent which will aid in the restoration of the MMI fund and help ensure the continued availability of this important program," said Federal Housing Commissioner Carol Galante. "Our goal here is to make certain our reverse mortgage program is a financially sustainable option for seniors that will allow them to age in place in their own homes."

Mortgagee Letters

ML 2013-27, *Changes to the Home Equity Conversion Mortgage Program Requirements* include the following for FHA case numbers issued on or after September 30, 2013:

- Revised mortgage insurance premiums and principal limit factors;
- Restrictions on the amount of HECM funds that can be disbursed at closing and over the first twelve months following loan closing;
- Introduction of the new single distribution lump sum payment option.

Changes requiring a Financial Assessment for all HECM mortgagors focused on evaluating willingness and capacity to meet their financial obligations and the terms of the HECM and

required set aside of a portion of the loan proceeds or withhold of a portion of the Line of Credit or Term/Tenure payments for the payment of property taxes and insurance become effective for case numbers assigned on or after January 13, 2014.

ML 2013-28, *Home Equity Conversion Mortgage (HECM) Financial Assessment and Property Charge Guide* provides parameters for the required financial assessment that mortgagees must complete prior to approval of an FHA insured HECM as announced in Mortgagee Letter 2013-27.

Non-Borrower Spouse Implications

In addition to the new program requirements, the Office of Housing Counseling continues to strongly encourage reverse mortgage counselors to thoroughly explain the implications of removing, or not including, a non-borrower spouse on the HECM mortgage note and deed.

It is important that both clients, but especially the non-borrower spouse, know and understand all the future repercussions and consequences of not including both spouses on the title to the HECM loan. One main concern for the non-borrower spouse is when the borrowing spouse passes away and the loan becomes due and payable.

More often than not, the surviving non-borrower spouse, who is not on the deed, may not be able to pay the balance due or meet the criteria to qualify for a HECM of their own on the property in order to remain in the property. During counseling, all parties must be made aware that the HECM cannot be assumed by the non-borrower spouse. Counseling sessions involving confirmed or potential non-borrower spouse situations must include a thorough discussion of these financial issues.

Upcoming Training

The Office of Housing Counseling will offer training on the HECM program changes and how these changes will affect reverse mortgage counseling. The first training is scheduled for September 26, 2013. If you missed the training announcement you can view this and other archived listserv messages including messages about the new HECM mortgage letters and non-borrower spouses at:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/sfh/hcc/ohc_msg

Links to the HECM Mortgagee Letters can be found at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/letters/mortgagee

BREAKING NEWS

FHA Back To Work - Extenuating Circumstances Program

New Guidance to Benefit Borrowers

By Betsy Cromwell, HUD Office of Housing Counseling

Many responsible Americans were, despite their best efforts and decision making, hurt by the recent financial crisis brought on by the worst downturn since the Great Depression. Some who quickly got back on their feet – finding a new job, working more hours, or recovering from a serious illness – were too late to prevent damage to their credit or to avoid losing their home.

There are families like this all across the country who deserve the opportunity to rebuild their lives and get back on their feet as soon as possible.

Providing Greater Clarity and Flexibility

On August 15, 2013, the Federal Housing Administration (FHA) published Mortgagee Letter (ML) 2013-26 and Housing Notice (HN) 2013-22 both titled **Back to Work – Extenuating Circumstances**, which helps borrowers who, but for the economic circumstances precipitated by the crisis, would be creditworthy. This new guidance provides greater clarity and flexibility to lenders encouraging them to look at the whole financial picture when evaluating a borrower, ultimately helping our housing market, and the economy, recover faster and more fully.

Individuals who have experienced delinquency, negative credit reports, judgments, bankruptcy, foreclosure, or a foreclosure alternative are prohibited from obtaining an FHA loan for a specified period of time – up to 3 years in the case of foreclosure or short sale. Ordinarily, this is to ensure that these borrowers have established a sufficient positive financial history and are not at risk of defaulting again. Today, borrowers who have bounced back quickly and would otherwise be creditworthy still are being automatically rejected.

Considering Extenuating Circumstances

Rather than exclude these borrowers, the new *Back to Work – Extenuating Circumstances* ML commits FHA to fully evaluating borrowers who have experienced a documented period of financial difficulty. Extenuating circumstances are defined as a reduction in income of 20 percent or more for at least six months, as the result of loss of employment, income, or a combination of the two.

The borrower must have had satisfactory credit before the incident, provide documentation of the circumstance, and otherwise meet all FHA requirements – including employment, income, and downpayment requirements. To ensure that these loans do not present undue risk, they will be manually underwritten to confirm eligibility.

Requiring Housing Counseling

Borrowers will be required to receive housing counseling a minimum of thirty (30) days but no more than six months in advance of applying for their loan. The National Housing Resource Center has created a list of housing counseling agencies (HCAs) that are participating in the initiative found at www.hsgcenter.org. Pre-purchase counselors must be knowledgeable of FHA requirements and ML 2013-26.

Borrowers can receive a combination of housing education and pre-purchase counseling. However, a borrower must receive a minimum of one hour of one-on-one counseling to discuss and review the required topics for pre-purchase counseling.

Charging Fees

HCAs can charge reasonable and customary fees for this counseling provided certain conditions are met.

1. Agencies must provide pre-purchase counseling without charge to persons who demonstrate they cannot afford the fees;
2. Agencies must inform borrowers of the fee structure in advance of providing services; and
3. Fees must be commensurate with the level of services provided.

The borrower will be provided with a Certificate of Completion from the HCA.

Sharing Guidance with Local Stakeholders

HUD encourages HCAs and lenders to make housing finance agencies, state and local governments, faith and community organization and real estate professionals aware of this initiative since these groups are experienced in assisting clients whose circumstances may warrant manual underwriting.

Housing counselor feedback is welcomed and encouraged on this initiative. Please submit feedback to:

housing.counseling@hud.gov.

ON THE HORIZON

HECM TRAINING September 26, 2013



The Office of Housing Counseling will offer training on the HECM program changes and how these changes will affect reverse mortgage counseling. The first training is scheduled for September 26, 2013. If you missed the training announcement, you can view this and other archived messages at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/sfh/hcc/ohc_msg.

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