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## **HUD Office of Housing Counseling Frequently Asked Questions on the Housing Counselor Certification Proposed Rule**

### **1. Where can I find the Proposed Rule?**

Here is a link to the [proposed rule](#).

### **2. How do I submit comments on the Proposed Rule?**

\*Update – The comment period has closed. Comments are currently being reviewed and responses are being prepared for inclusion in the Final Rule.

### **3. I've already shared my comments about housing counselor certification during stakeholders meetings and discussions with my HUD Point of Contact. Is this sufficient input?**

No. Comments must be submitted through [www.regulations.gov](http://www.regulations.gov) or mailed to the address in Answer #1 in order to be evaluated for the final rule. As stated in Question 2 above, the comment period has closed.

### **4. Will counselors be allowed to substitute prior education and/or certification from other organizations instead of passing the certification examination?**

HUD cannot make this change by rulemaking. The Dodd-Frank Wall Street Reform and Consumer Protection Act (the "Dodd-Frank Act") amended the Housing Counseling Statute by removing HUD's discretion to certify counseling agencies or individual counselors. The Housing Counseling Statute now requires that all individuals that provide counseling for HUD Programs must be HUD-certified by way of passing a new written examination showing competency in each of the 6 areas prescribed.

We cannot consider any exemptions to the individual certification requirement

because the law does not provide any language for exclusion. Furthermore, because there is current legislation dealing with this topic before Congress, it is not proper for HUD to speculate or discuss the topic in proposed rulemaking, discuss it in debate with you all today or use it as the basis for crafting a final rule. While your comments are important on this issue, HUD would remind the commenters that all questions posed on the issue of allowing existing counselors to be exempt from certification or to be certified without having to pass an examination - will not be considered in finalizing the rule, even though it will still become part of the official public comments.

## **5. What will the certification examination cover?**

The Dodd-Frank Act mandates that housing counselors demonstrate, by written examination, competency to provide counseling in each of the following areas:

- Financial management.
- Property maintenance.
- Responsibilities of homeownership and tenancy.
- Fair housing laws and requirements.
- Housing affordability
- Avoidance of, and Responses to, rental and mortgage delinquency and avoidance of eviction and mortgage default.

## **6. Will I have to pass each module on the exam?**

You must pass the exam demonstrating proficiency in all six Dodd-Frank competency areas.

## **7. When will the exam be available?**

The HUD Certification Examination should be available at the time HUD publishes the Final Rule revising the regulations governing HUD's Housing Counseling Program, 24 C.F.R. Part 214. HUD published the Proposed Rule in the Federal Register on September 13, 2013. The Office of Housing Counseling will evaluate all comments received regarding the Proposed Rule, and then develop a final version of the rule, which will undergo Departmental and Office of Management and Budget review, before being issued as the Final Rule.

## **8. When will I have to take the exam?**

All counselors will be required to successfully complete the HUD Certification Exam within one year from the date of publication of the Final Rule to be eligible to continue providing housing counseling related to HUD programs.

## **9. Will I need to take the exam more than one time?**

The Proposed Rule requires that an individual successfully pass the HUD Certification only once to become certified.

**10. If someone fails, or does not take the exam, can he or she continue to provide counseling services?**

Housing counseling provided in connection with a HUD program must be provided by a certified housing counselor. However, as discussed in the Proposed Rule, a noncertified counselor may be employed at an approved housing counseling agency and assist certified counselors. While the non-certified counselor can join a certified counselor in a counseling session, it must be clear to the client that the certified counselor is the housing counselor.

**11. Can HUD limit the number of times a counselor can take the certification exam?**

Currently, HUD is not limiting the number of times a counselor may sit for the exam.

**12. Where will the testing locations be?**

HUD will provide logistical information about testing when the Final Rule is published.

**13. Can I take the exam on-line?**

See Answer #12. However, HUD is specifically exploring on-line testing.

**14. Will training be available?**

HUD will offer training specific to the HUD Certification Examination through one designated entity. The Dodd-Frank Act mandates HUD use only one training entity. This training should be available on or before publication of the Final Rule.

**15. Will training be required?**

Housing counselors are not required to attend training to become certified. Training is not required, but will be offered to assist counselors in preparing for the examination.

**16. How can I prepare for the examination now?**

Housing counselors are encouraged to educate themselves on the Dodd-Frank Act competency topics. National and regional training providers may offer training on these competency topics. These classes will not be specifically designed to prepare counselors for the HUD Housing Counselor Certification Examination but will educate counselors on the six competency topics. Please visit HUD's website for [Training resources](#)

**17. Will I have to recertify similar to HECM roster requirements? Will there be an**

**expiration date for the certification?**

There will not be an expiration date on the certification. Under the Proposed Rule, Housing Counselors will not have to recertify. Under the Proposed Rule, a counselor will need to successfully pass the Housing Counseling Certification Exam once to become certified.

**18. Will HECM counselors have to pass the Certification Exam as well as the HECM exam?**

Yes, HECM Housing Counselors will be required to successfully pass both the HECM exam and the HUD Certification Exam. The Dodd Frank Act requirement that all counselors who provide homeownership and rental counseling be certified applies even to those counselors who provide HECM counseling exclusively. All HECM Roster requirements continue to apply, thus HECM counselors must take the HECM exam in order to provide HECM counseling. See Mortgage Letter 2009-47.

**19. Can a person take the exam without being employed by a housing counseling agency?**

Under the statute, all counselors providing housing counseling in connection with HUD programs must be certified. Additionally, under the statute, to become certified a counselor must successfully pass the HUD Certification Examination and, under HUD's proposed rule, be employed by a HUD participating housing counseling agency. OHC is considering allowing individuals to take the HUD Certification Exam but elect not to become certified.

**20. Does my agency have to offer services for all six competency areas? We do not offer rental counseling, for example.**

The Dodd-Frank Act only requires that HUD-approved counselors demonstrate competency in six areas as evidenced by passing an examination. However, HUD approved agencies and counselors may choose to specialize in certain areas as reflected in their official counseling work plans. All counselors are required by HUD Handbook 7610.1, Rev.5 Sections 3-5(E) and 3-12, to make a knowledgeable referral to another agency that does provide the type of counseling that its clients might need, based on the initial counseling intake, and note the referral in the client's file.

**21. Are managers required to become certified under the proposed rule?**

Only staff that provides housing counseling to clients under HUD's Housing Counseling Program must be certified.

**22. How will HUD implement the certification process?**

Under the Housing Counseling statute, the Office of Housing Counseling (OHC) must contract with one entity to develop training and certification testing for housing counselors. HUD's Contracting Office published a market research notice in FEDBIZOPPS on June 18, 2013. The OHC reviewed the responses to identify a qualified certified 8(a) small business entity registered with the Small Business Administration (SBA) to conduct business with the federal government. HUD awarded a contract to Bixal Solutions, Inc. on September 30, 2013 to develop the housing counselor certification training, examination, and host website. Information on the requisition and award is located at FedBizOpps.gov.

Bixal Solutions, Inc. (Bixal) founded in 2001 and based in Fairfax, Virginia, is an SBA certified 8(a) minority owned firm that helps government agencies and organizations engage the public and hard to reach communities using strategic communications and sophisticated technologies. Bixal provides a combination of web and mobile strategy development and online training and knowledge management services. Some of its clients include HUD, the Department of Treasury, the U.S. Agency for International Development, the March of Dimes, and the World Bank.

Bixal's experienced team of instructional designers, adult learning specialists, housing counseling subject matter experts, psychometrician, and technology specialists support the OHC on this multi-year program. The program includes the development and management of a website featuring an interactive online training course and a downloadable study guide, as well as a practice test, to help housing counselors prepare for and pass the housing counselor certification exam.

### **23. Will the certification examination be available after the deadline for compliance?**

The certification examination will continue to be available after the deadline for counselors that failed the examination and for new counselors to take the examination.

### **24. HUD HECM roster eligibility includes not being listed on HUD's Credit Alert Interactive Response System (CAIVRS). Will this also be required for HUD Housing Counselor certification?**

HUD's HECM roster certification is governed by 24 CFR 206.304 which requires housing counselors not be listed on HUD's Credit Alert Interactive Response System (CAIVRS). The proposed rule "Housing Counseling Program: New Certification Requirements" for housing counselor certification published September 13, 2013, proposed to require only that a HUD-certified housing counselor pass the requisite examination, be employed by a participating agency, and be certified by HUD as competent to provide housing counseling services.