

DOB and DHCD Request for Proposals
Foreclosure Education Centers; and
Counseling Services for Subprime Mortgage Consumers,
Foreclosure Prevention, and First-Time Homebuyers

Comm-PASS Document Number: DHCD2008-05

I. Introduction:

Background

In response to the subprime foreclosure crisis, on November 29, 2007, Governor Deval Patrick signed into law Chapter 206 of the Acts of 2007, "An Act Protecting and Preserving Home Ownership," (Chapter 206). Included among the provisions of Chapter 206 is \$2 million in funding for the establishment and operation of a "pilot program" for best-lending practices, first-time homeowner counseling for non-traditional loans (i.e. subprime ARMs)¹, and 10 or more foreclosure education centers.

In accordance with Chapter 206, the pilot program is being developed by the Division of Banks (DOB) in consultation with the Department of Housing & Community Development (DHCD), MassHousing, the City of Boston, and the Massachusetts Bankers Association. Further, DOB has entered into an Interdepartmental Service Agreement (ISA) with DHCD for DHCD to implement the funding program.

Chapter 206 specifies that the funds be awarded as grants through a competitive application process; and directed to geographic areas of the Commonwealth as determined by census tracts for low-or moderate-income (LMI) housing (see Exhibit C) or areas of high foreclosure activity (measured by foreclosure petitions), relative to total 1-to-4-family housing units.

Chapter 206 further requires that the funds go to 10 or more foreclosure education centers within such geographic areas. Due to the condensed time period for funding and the aim to disperse funding as quickly and efficiently as possible, it is expected that most, if not all, of the grant funding designated for this purpose will be awarded to existing housing counseling centers with

¹ For the purposes of General Laws chapter 184, section 17B ½, the Division of Banks has issued policy determining that an extension of credit with an adjustable or variable rate of interest made to a first time home loan borrower will be deemed to be a subprime mortgage loan:

1. For a first-lien mortgage loan if:

(a). The loan amount falls within the loan amount limits set forth by the Federal National Mortgage Association ("FNMA") or the Federal Home Loan Mortgage Corporation ("FHLMC") but fails to meet the federal agencies' underwriting guidelines; or

(b). The loan amount exceeds the loan limits set forth by FNMA and FHLMC and the annual percentage rate (APR) is greater than two and one-half (2.5) percentage points above the yield on United States Treasury securities having comparable periods of maturity, as of the 15th day of the month immediately preceding the month in which the application for the extension of credit is received by the creditor.

2. For loans secured by a simultaneous second lien on residential property, if the APR for the simultaneous second lien is greater than five (5.0) percentage points above the yield on United States Treasury securities having comparable periods of maturity, as of the 15th day of the month immediately preceding the month in which the application for the extension of credit is received by the creditor.

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experience in foreclosure counseling, (hereafter “Foreclosure Education Centers”). It is anticipated that a majority of these Foreclosure Education Center grant recipients would function as regional administrative focal points providing funding to collaborating constituent non-profits (sub-grantees) within their regions.

Lastly, Chapter 206 mandates that the DOB report to the Legislature by December 31, 2008, on the results of the pilot program. Therefore Applicants who are awarded grant contracts will be required to report to the funding authorities (DOB and DHCD) on the results of their programs in the month following the end of FY2008, i.e. July 2008. Reporting of program results by Grant Recipients must include baseline data that they are required to collect (see Exhibit A). Compliance with the collection and reporting of required baseline data, along with the evaluation criteria and service goals established in the grant contract will be used by the funding authorities as a basis to evaluate the performance of Grant Recipients.

Privacy Laws

Applicants must agree to have clients reported under this grant program sign an authorization form or have other legally-permissible client authorization on record that will allow the Applicant to (a) submit client-level information along with other reporting data for this grant program to DOB and DHCD, (b) open files to be reviewed for program monitoring and compliance purposes, (c) pull credit record for purposes of program evaluation, and (d) authorization to conduct follow-up with client related to program evaluation. Applicant must also allow client access to its privacy policy statement. The funding authorities (DOB and DHCD) will provide template language for such a waiver which can be used at the option of the Applicant (see Exhibit B).

Nature of the RFP

The \$2 million in total grant funds shall be allocated for first-time homeowner counseling activities and foreclosure assistance and rescue loan programs. Funds will also be distributed in the manner listed below. The funding authorities (DOB and DHCD), retain the discretionary right to realign allocations based on Applicants’ proposals, the need to disperse the funds to greatest effect as quickly and efficiently as possible, and/or other issues that may arise. Applicants to this RFP may apply for funding from one or more grant pool, provided that the funds are used exclusively for the designated purpose.

There is no minimum or maximum grant application amount. Depending on total demand for available funding, the funding authorities reserve the right to award Applicants less than their full funding requests. Such decisions will be based on a number of considerations, including, without limitation, the recommendations of grant application reviewers, total demand for funding from all Applicants, evidence of the need for foreclosure counseling in Applicants’ service areas, geographic diversity, coverage in areas of greatest need, and/or Applicants’ demonstrated capacity to deliver counseling services and manage a counseling program (such as performance and compliance under previous housing counseling grants). In making award decisions,

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application reviewers may rely on information not contained in Applicants' submitted applications, including, but not limited to, findings from housing counseling performance reviews, financial audit reviews, and other available relevant information.

It is expected that eligible Applicants will make every effort to receive reimbursement for counseling services from other sources to increase the sustainability of these services. These grant funds are not meant to replace current or future fee-for-service arrangements between counseling agencies and servicers, lenders or other interested parties.

Grant Programs – Description and Allocation of Funds:

- **Counseling for Subprime Mortgage Loan Applicants**
\$100,000 will be designated to assist approved counseling programs pursuant to MGL c. 184, §17B1/2. The statute, effective January 31, 2008, requires in-person counseling for first-time homebuyers opting into subprime variable or adjustable rate mortgage products. At or before the loan closing, the Lender is required to obtain certification that the Borrower has received such counseling from an approved third-party non-profit organization. Thus, in keeping with the statute, Applicants for this pool of grant funding must be certified entities or non-profit organizations approved by the U.S. Department of Housing and Urban Development (HUD), MassHousing, Massachusetts Housing Collaborative, and/or the regulator with jurisdiction over the Lender. Additionally, grant Applicants must be on the list of approved subprime variable or adjustable rate mortgage counselors maintained by the DOB.
- **Counseling Programs for First-Time Homebuyers and Foreclosure Prevention**
\$400,000 will be directed to fund existing first time homebuyer and mortgage foreclosure intervention and loss mitigation counseling programs. However, if necessary, the use of grant funds by Applicants to establish “start-up” counseling programs to serve target areas will also be considered. Funding priority will be given to counseling programs serving areas with high rates of defaults and foreclosures and that target clients who are owner-occupants of 1-to-4-unit properties that obtained subprime loans, are delinquent on their mortgages, and are at risk of default and foreclosure. Grants may also be awarded to counseling programs serving areas where there is a prevalence of subprime mortgages that are at risk of becoming delinquent and entering default. In addition to counseling services, funding may be used by counseling entities for related loan or grant programs they may offer to clients.
- **Regional Foreclosure Education Centers**
\$1.5 million will be allocated to fund 10 or more regional foreclosure education centers. As specified in Chapter 206, DOB has designated the “regions” to be served by foreclosure centers (see attached map), based on low-or moderate-income (LMI) census tracts and/or areas of high foreclosure activity (measured by foreclosure petitions), relative to total 1-to-4-family housing units.

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It is anticipated that a majority of these Foreclosure Education Center grant recipients would function as regional administrative focal points providing funding and administrative support to collaborating constituent non-profits/sub-grantees within their regions. Indeed the intent of this funding program is not to build or create new entities but instead to expand on the capabilities and functions of existing counseling entities that have the administrative infrastructure with the capacity to support collaboration and oversight of other counseling agencies/sub-grantees in their regions. Thus, for speed and efficacy purposes, funding priority will be given to grants going to fund training in existing housing counseling centers that have the requisite infrastructure. However, if necessary, the use of grant funds by Applicants to establish “start-up” foreclosure education centers to serve target areas will also be considered.

Eligible Applicants must have the ability to deliver foreclosure counseling activities such as an analysis of the client’s financial situation; an evaluation of the current value of the home that is subject to the mortgage; and a review of options such as the assumption of the mortgage by another non-governmental party, the purchase of the mortgage by a third party, other restructuring and refinancing strategies, or the approval of a workout strategy by all interested parties. While the goal is to help homeowners retain their homes with a mortgage they can afford, in some instances the only way to successfully address a default may be to sell the home and assist the homeowner if minimizing the impact of the sale on his/her credit and housing situation.

Funding

All grant contracts will be funded through the end of FY2008, i.e. June 30, 2008, with the option to renew for an additional 12 months based on results and the appropriation of additional funds. The funding authorities (DOB and DHCD) retain the option to renegotiate grant contract terms at the time of renewal based upon results reported by each contractor in July 2008. As previously stated, compliance with the collection and reporting of required baseline data (see Exhibit A), along with the evaluation criteria and service goals established in the grant contract will be used by the funding authorities as a basis to evaluate the performance of Grant Recipients.

Grant funds will be allocated following two timelines. Funding from the two grant pools for counseling purposes will occur more immediately. A separate and lengthier timeline for the submission of proposals for Foreclosure Education Centers has been established to afford Foreclosure Education Center Applicants the time to coordinate within their regions with potential collaborating entities/sub-grantees.

Funding Schedule

- **Timeline for funding of counseling grants:**

Feb. 6 – Feb. 27 RFP posted

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| | |
|-------------------|---|
| Feb. 14 | Bidders Conference |
| Feb. 27 | Applications deadline 4:00 P.M., by hand delivery or mail to DHCD |
| Feb. 28 – Mar. 12 | Applications reviewed and ranked |
| Mar. 19 | Grant award letters and grant agreements distributed |
| Jul. 14 | Grantee report due to DHCD and DOB |

- **Timeline for funding of Foreclosure Education Center grants:**

| | |
|-------------------|---|
| Feb. 6 – Mar. 12 | RFP posted |
| Feb. 14 | Bidders Conference |
| Mar. 12 | Applications deadline 4:00 P.M., by hand delivery or mail to DHCD |
| Mar. 13 – Mar. 26 | Applications reviewed and ranked |
| Apr. 2 | Grant award letters and grant agreements distributed |
| Jul. 14 | Grantee report due to DHCD and DOB |

II. Submission Requirements:

Proposals should be written in a concise manner and the information provided should be directly relevant to the requirements of this RFP.

The following information is required for each grant program for which the Applicant is seeking funding:

A. Experienced Applicants:

- 1) A cover letter identifying the Applicant entity and a contact person.
- 2) A narrative history and description which includes:
 - a) current programs related to homebuyer education and counseling and/or foreclosure prevention and counseling;
 - b) description of staffing;
 - c) current program budget (include both sources and uses);
 - d) geographical area currently being served;

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- 3) Provide statistics for the prior calendar year, and cumulative statistics for the prior 5 calendar years for each program/service offered; and
- 4) Provide the resumes of the program manager and counselors.

B. Start-up Applicants (Not applicable to Entities Using Funds for Subprime Counseling):

- 1) A cover letter identifying the Applicant entity and a contact person.
- 2) A narrative history and description of the Applicant's current program offerings, delivery mechanisms, and key staffing, if any.
- 3) Provide the resumes of the Applicant's point person for the project.
- 4) A narrative explanation of how the Applicant will become qualified to offer the proposed services including, the substantive knowledge required, the administrative infrastructure to deliver the services, the hiring and staffing plan, and the geographic area to be served.
- 5) An explanation of need in the proposed service area for supporting a start-up operation.

C. All Applicants:

All Applicants must provide:

- 1) A description identifying proposed service area (must match priorities established in legislation).
- 2) A description of increased and/or new services to be offered with grant funds, please include quantifiable characteristics.
- 3) The dollar amount in grant funding being requested and a proposed budget for the new funds.
- 4) An implementation schedule addressing any new/increased staffing, training, administrative infrastructure, and outreach program.
- 5) A description of current outreach, including any obstacles and improvements, if any, to be utilized going forward.
- 6) A description of how English language proficiency obstacles are and/or will be addressed among Applicant's clients.
- 7) Foreclosure statistics for service area; and description of trends and/or issues particular to the service area.
- 8) Proposed evaluation criteria, including quantitative service goals for each proposed criteria. Also how the Applicant intends to collect, consolidate, and report on program activities.
- 9) Proof of 501(c)(3) tax-exempt status if Applicant is a non-profit organization.
- 10) Massachusetts Substitute W-9 Form (see note below).
- 11) Contractor Authorized Signatory Listing (see note below.)

NOTE: Applicants who are selected for grant contract award may be required to execute the Commonwealth Terms & Conditions Form if it is determined that they do not already have this document on file with the Office of the State Comptroller. All grantees will be required to execute the Commonwealth's Standard Contract Form. These forms, as well as the W-9 and Signatory Listing, are available on the **Forms & Terms** tab of Comm-PASS Document Number DHCD2008-05.

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D. Regional Foreclosure Education Center Applicants:

In addition to the requirements listed above, the following information is required from Applicants for Foreclosure Education Center grant funds:

- 1) Identify the geographic region to be served.
- 2) Identify constituent non-profits/sub-grantees along with letters of support from each.
- 3) A narrative description of administrative infrastructure, programs, collaboration to be provided.
- 4) A description of track record, if any, of providing oversight to a network of foreclosure/housing counseling affiliates.
- 5) A description of any collaborating entities/sub-grantees' capacity to track reporting data.
- 6) A description of any partnerships with financial institutions, servicers, and/or local, state or federal government initiatives that presently exist in your service area or which will be in place in proposed service area before April 1, 2008, that will assist homeowners facing default and foreclosure in successfully resolving their mortgage delinquencies.
- 7) A description of strategy for identifying, marketing to, and attracting homeowners who are delinquent or in default on their mortgages, or at-risk of becoming delinquent or in default on their mortgages. This should include any partnerships established with other organizations to help Applicant identify and reach out to customers or to supply other services that support a successful resolution of customers' mortgage delinquencies.
- 8) If you are proposing to serve any areas not defined as "areas of greatest need", please describe the service area and provide evidence of current and projected foreclosure problems, such as delinquency data, foreclosure starts, subprime lending patterns, or other relevant data.

III. Scoring:

Proposals for each program component of this RFP will be evaluated separately and will be ranked based upon the point system outlined below. Awards will be made based upon total point score *as well as* the need to ensure that services are delivered according to the objectives of Chapter 206.

Minimum Qualifications:

0 Points

- All grant applications must be for the funding of services in areas as defined by statute and further outlined by DOB (see Exhibit C).
- All Applicants seeking funding for the counseling of subprime mortgage loan applicants must already be certified by the DOB in accordance with M.G.L. Chapter 184, Section 17B1/2.
- Start-ups must propose to serve a geographic area and/or a consumer constituency that would not otherwise be served by an experienced provider.
- All non-profit Applicants must provide proof of their 501(c)(3) tax-exempt status.

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A. Experience:

1- 5 Points

An Applicant's experience, either as an experienced *or* as a start-up entity, will be scored separately for each Program for which it seeks funding.

- **Direct Experience (for Experienced Applicants):** The proposal evidences:
 - Successful program operation in the proposed program area
 - Sufficient organizational and staffing capacity
 - Successful track record in raising funds and budgeting
 - Familiarity with geographic area to be served by the program
 - Ability to serve constituents with limited English proficiency
 - Established relationships with financial institutions, servicers, and local, state or federal government initiatives that serve first time homebuyers and/or assist homeowners facing default and foreclosure in successfully resolving their mortgage delinquencies
 - For Foreclosure Education Centers: Experience comparable to providing the oversight and administrative support to third party agencies that is anticipated in the proposal
- **Indirect Experience (for Start-Up Applicants):** The proposal evidences:
 - Organizational and staffing capacity to assume responsibility for implementing a new program
 - A comprehensive and realistic plan for implementing the new program
 - Familiarity with the needs of the geographic area and/or constituency to be served, as expressed in the explanation of need for supporting a start-up operation

B. Proposal:

1 – 7 Points

Each component described below will be scored separately on a 1 – 7 point scale and the total will be averaged (divided by 2) to arrive at the overall score for the proposal.

- **Expertise in the Subject Areas Relating to this RFP:**
 - The proposal evidences that Applicant has a well-founded grasp of the issues related to the funding to be awarded, can provide an honest evaluation of obstacles, and can identify potential solutions
 - The proposal addresses the program priorities as well as a population and/or geographic area targets established by Chapter 206 or provides evidence that justifies the funding of a program that does not appear to meet the requirements of Chapter 206
 - Applicant provides compelling documentation of the need for the requested funding, including a thoughtful and coherent discussion of trends and/or issues particular to the proposed service area and/or population
 - The proposal evidences that Applicant has established and/or can establish the relationships with third parties (e.g., lenders, local government, servicers, etc) that may be necessary to be successful in assisting constituents

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- **Program:** The proposal:
 - Clearly identifies and quantifies new and/or increased services to be offered with the grant funds
 - Evidences Applicant's ability to use the funds efficiently and effectively, including a budget that is appropriate relative to the scale of the proposed program/service, and indicates that the Applicant has leveraged, or will be able to leverage, additional resources to support the program and/or related activities
 - Provides a comprehensive and realistic implementation schedule
 - Addresses issues of English language proficiency
 - For Foreclosure Education Centers: Documents an administrative infrastructure and depth of management experience appropriate to assuming responsibility for overseeing a network of foreclosure/housing counseling affiliates
 - For Foreclosure Education Centers: Documents Applicant's support among its constituent organizations for Applicant's proposal

C. Evaluation of Program:

1- 5 Points

The proposal:

- Evidences the Applicant's capacity and commitment to collecting, consolidating and reporting on program activities
- Evidences the Applicant's commitment to meaningful quantitative and qualitative program evaluation criteria

IV: Instructions for Submission:

Proposals should be written in a concise manner and the information provided should be directly relevant to the requirements of this RFP.

One (1) original response, plus six (6) complete copies of the response, must be submitted by hand delivery or mail to the address listed below. Faxed or emailed responses will not be accepted. Responses received after the deadlines will not be considered under any circumstances.

DELIVER TO: DHCD
 100 Cambridge Street, Suite 300
 Boston, MA 02114
 ATTN: Foreclosure RFP

Application deadline for counseling grants, Feb. 27, 2008, at 4:00 P.M.

Application deadline for Foreclosure Education Center grants, Mar. 12, 2008, at 4:00 P.M.

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A Bidder's Conference will be held on Thursday, February 14, 2008, at 10:00 A.M., the Saltonstall Building, 100 Cambridge Street, Boston, MA 02114, 2nd Floor, Conference Room B.

All questions regarding this RFP must be submitted in writing by email (preferred), fax, or postal mail. NO PHONE CALLS PLEASE. All written questions must be received by **February 19, 2008, at 5:00 P.M.** A document containing all questions received by the deadline and the answers to those questions will be posted on the Comm-PASS website on or before February 25, 2008.

CONTACT FOR WRITTEN QUESTIONS:

Deborah J. Goddard

Email: Deborah.Goddard@state.ma.us

Fax: 617-573-1515

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Exhibit A

Data Required to be Collected and Reported by All Grant Recipients

For the purpose of comprehensively reporting to the Legislature as required by Chapter 206, the DOB and DHCD require that all Grant Recipients collect and report on the following information for each client whose counseling was funded through the grant program:

- Name of Town and County of Client residence
- Income of Client
- Credit rating of Client
- Race of Client
- Client residence type?
 - Single family
 - Two family
 - Three family
 - Four family
 - Other
- Client household type?
 - Single/non-Elderly
 - Elderly
 - Related/Single Parent (a single parent household with a dependent child or children)
 - Related/Two parent (a two-parent household with a dependent child or children)
 - Other (any household not included in the above four definitions, including two or more unrelated individuals)
- Type of counseling received?
 - Foreclosure
 - First-time home buyer
 - Post home purchase
 - Other, Specify
- Amount of counseling received measured in hours
- Results of counseling
- If foreclosure counseling:
 - What type of mortgage loan did client have, e.g. subprime ARM?
 - Was Client in foreclosure proceedings prior to counseling?
 - Was Client able to avoid foreclosure?
 - Did Client maintain ownership of residence?
 - Did Client sell residence?
 - Did Client continue to reside in property as a tenant?
- If home buyer counseling:
 - Did Client purchase a subprime ARM?
 - Did Client receive financial assistance through an affordable housing program, specify?

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Exhibit B



This is an important notice. Please have it translated.

Este é um aviso importante. Queira mandá-lo traduzir.

Este es un aviso importante. Sirvase mandarlo traducir.

ĐÂY LÀ MỘT BẢN THÔNG CÁO QUAN TRỌNG

XIN VUI LÒNG CHO DỊCH LẠI THÔNG CÁO ẤY

Ceci est important. Veuillez faire traduire.

本通知很重要。请将之译成中文。

នេះគឺជាជំណាច់សំខាន់ សូមមេត្តាបកប្រែជូនផង

Это очень важное сообщение обязательно переведите

Massachusetts Division of Banks – Authorization Form

Pursuant to state law, Chapter 206 of the Acts of 2007, “An Act Protecting and Preserving Home Ownership”, the Division of Banks (DOB) has created a pilot program providing grant funding for foreclosure and home buyer counseling. *[Insert name of counseling program]* is a grant recipient of the pilot program. DOB is also required by Chapter 206 to report to the State Legislature on its pilot program efforts.

To comply with the reporting requirements of Chapter 206, DOB and the Department of Housing & Community Development (DHCD) are requiring agencies that receive grant funding through the pilot program for foreclosure and first-time homebuyer counseling to collect and report certain client data that is governed by privacy laws. DOB and DHCD will also evaluate the data to make recommendations on best practices and potential statutory and/or regulatory changes. DOB and DHCD may also share such information with other state and quasi-public agencies and provide reports to other interested parties in a manner consistent with privacy laws, including Massachusetts General Laws Chapter 66A. Chapter 66A also provides for the rights of data subjects: this includes your right to inspect and copy your personal data and to object to the collection, maintenance, dissemination, use, accuracy, completeness, relevance, or type of information held about you.

By signing this document you will be authorizing *[insert name of counseling program]* to share with DOB, DHCD or their designee, your personal client data, including income level, credit record, and the information listed below. Further you will be authorizing DOB, DHCD or their designee, to contact you in connection with the evaluation of the counseling program.

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For the purpose of comprehensively reporting to the Legislature as required by Chapter 206, the DOB, DHCD or their designee, may request the following information from the counseling agency about you as a foreclosure or home buyer counseling client, and about the counseling you received, including, but not limited to the following:

- Name of Town and County of Client residence
- Income of Client
- Credit rating of Client
- Race of Client
- Client residence type?
 - Single family
 - Two family
 - Three family
 - Four family
 - Other
- Client household type?
 - Single/non-Elderly
 - Elderly
 - Related/Single Parent (a single parent household with a dependent child or children)
 - Related/Two parent (a two-parent household with a dependent child or children)
 - Other (any household not included in the above four definitions, including two or more unrelated individuals)
- Type of counseling received
 - Foreclosure
 - First-time home buyer
 - Post home purchase
 - Other
- Amount of counseling received measured in hours
- Results of counseling
- If foreclosure counseling:
 - What type of mortgage loan did client have, e.g. subprime ARM?
 - Was Client in foreclosure proceedings prior to counseling?
 - Was Client able to avoid foreclosure?
 - Did Client maintain ownership of residence?
 - Did Client sell residence?
 - Did Client continue to reside in property as a tenant?
- If home buyer counseling:
 - Did Client purchase a subprime ARM?
 - Did Client receive financial assistance through an affordable housing program, specify?

In signing this consent form, you acknowledge that after reading this form you voluntarily authorized the sharing of your personal information governed by privacy laws, and that you

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understand that there are no penalties if you do not wish to provide the information. Further that you authorize DOB, DHCD or their designee to contact you if necessary, and that you have received a copy of this form for future reference.

Counseling Client Signature

Date

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Exhibit C

RED Areas = Low to Moderate Income (LMI) Tracts

Blue Outlined Areas = Counties

