

Mortgage Lending and Servicing



Intelligent Compliance

In supporting our mortgage lending and servicing clients, we regularly provide analysis and advice on:

- Alternative Mortgage Transaction Parity Act and Regulation D
- Depository Institutions Deregulation and Monetary Control Act
- Dodd-Frank Wall Street Reform and Consumer Protection Act
- Equal Credit Opportunity Act and Regulation B
- Fair Credit Reporting Act and Regulation V
- Gramm-Leach-Bliley Act and the Privacy and Safeguards Rules
- Home Mortgage Disclosure Act and Regulation C
- Mortgage Acts and Practices - Advertising Rule (Regulation N)
- Real Estate Settlement Procedures Act and Regulation X
- SAFE Act, Regulations G and H, and related state licensing laws
- Servicemembers Civil Relief Act and comparable state laws
- Truth in Lending Act and Regulation Z

Practical Insight into the Housing finance industry

Hudson Cook, LLP has a deep bench of housing finance lawyers. Lawyers in our Mortgage Lending and Servicing practice area counsel bank and non-bank lenders and servicers on an array of state and federal laws and regulations that impact residential mortgage and home equity lending and servicing. In addition to counseling lenders and servicers, we also advise technology companies that provide residential mortgage loan origination and compliance testing platforms. We assist clients with compliance reviews of their own operations, as well as due diligence on third parties. Along with lawyers in our Government Investigations, Examinations and Enforcement practice area, we also assist clients in regulatory enforcement proceedings.

Lawyers in our Mortgage Lending and Servicing practice area have an understanding of the legal and compliance needs of the industry. We offer industry participants insights on their legal and regulatory needs.

We regularly advise clients on federal and state laws pertaining to:

- Ability to Repay and Qualified Mortgage requirements
- Advertising and marketing
- Appraisal independence
- Credit reporting
- Fair lending
- Federal preemption
- Fee limitations
- Foreclosure processes and other servicing requirements
- GSE and Government loan programs
- Home Mortgage Disclosure Act and other reporting requirements
- Licensing
- Loan originator compensation restrictions
- Loan sale and purchase agreements
- Processing and servicing agreements
- RESPA Section 8 compliance
- State and Federal disclosures, including the TILA-RESPA Integrated Disclosures (TRID) Rule
- State and Federal "high cost" and "higher-priced" mortgage compliance

- UDAP/UDAAP

Representative engagements include:

- State and federal regulatory counsel to LOS providers, document providers, and automated compliance testing providers, including for TRID implementation
- Fair lending reviews and statistical analyses for bank and non-bank mortgage lenders
- Assisted non-bank mortgage servicer in CFPB policy and procedure examination
- Advised rating agency and other clients on liability framework for TRID errors
- Advised clients on structuring and documenting home equity line of credit programs
- Advised clients on structuring and documenting residential construction loan programs
- Due diligence on a lender's non-QM correspondent program
- RESPA due diligence on the structure of a mortgage lending joint venture
- Advised independent consultants conducting a review pursuant to consent orders between bank mortgage servicers and their regulators regarding foreclosure practices

Attorneys Practicing in this Area



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