



The Legal Project

Pro Bono Corner April 2014

Lisa A. Frisch, Executive Director

Attorney General Schneiderman's Homeowner Protection Project (HOPP): Where Are We Now?

By Jessica Lennon, Assistant Director, The Legal Project

In 2012, the Attorney General dedicated \$60 million from the National Mortgage Settlement to launch the Homeownership Protection Program (HOPP), to support housing counselors and legal service providers who are assisting homeowners in danger of foreclosure. In the first year and a half of HOPP 23,760 homeowners has been served across the state.

In the first year of a three year grant cycle, we launched our foreclosure program and served 49 homeowners in need of foreclosure services. In 2013, the number of individuals reaching out for assistance increased dramatically. We served over 550 homeowners and hired an additional part time attorney with the HOPP funding. We have been able to assist homeowners obtain loan modifications, negotiate with lenders and servicers, have foreclosure actions dismissed, obtain deeds-in-lieu, and provide them with their rights and options if walking away from their home is a decision they need to make.

We continue to partner with our HomeSave Coalition partners to conduct foreclosure legal clinics for homeowners who are not yet in foreclosure but who are either behind in their mortgage payments or anticipate falling behind. Homeowners who attend this clinic are able to meet with a housing counseling as well as meet with an attorney to obtain legal advice on bankruptcy and/or foreclosure matters.

What Difference Can We Make in People's Lives?

A homeowner reached out to us after she tried to seek assistance through other avenues and was told that saving her home would be impossible. She had lost her job which caused her to fall behind on her mortgage payments. It was her goal to keep her home and was willing to do what she needed to obtain her goal. After her initial consult with one of our staff attorneys, Gayle Hartz, she began looking diligently for work and quickly was able to secure full time employment. Initially, the lender was very hesitant in working with her but with effective settlement conference negotiation, a loan modification packet

done with both our staff attorney and her housing counselor, and the client's willingness to secure employment, the bank granted a trial payment period. The bank decreased the interest to 2%, lowered the monthly payments to an affordable monthly amount and also a principle reduction. The client also has some prior liens on the house so we have also provided her with a pro bono bankruptcy attorney who is working with her to resolve those issues as well.

We consider this a great success, not only because of the outcome for the client in saving her home from foreclosure, but also because this was a case that was considered "a lost cause" and she was told to start looking for alternative housing. With the client's tenacity, the creative thinking and perseverance of our staff attorney, and the advocacy from the housing counselor we were able to help a woman save her home when no one else could.

But the Challenges Continue...

Lenders and servicers are asking for "new" paperwork that was not previously asked for in making determinations on loan modifications. For example, utility bills to prove they are residing at the property in question or employment verification letters from the homeowner's employer. These actions completely delay any decision on the loan modification.

There is a trend that lenders and servicers simply refuse to comply with the governmental mortgage settlement guidelines or timeframes. Some banks continue to improperly deny loan modifications. They will refuse to even review a loan modification stating that the homeowner did not provide the necessary documentation which in most cases is false.

More clients are informing us that representatives from the lenders and servicers who contact them are rude and have given misinformation regarding the status of their mortgage and/or modification. For example, a client recently told us that a lender's representative told them "you can go to the settlement conference if you want but you are going to lose, so you might as well just give us the keys to your house now."

We are proud to be part of this statewide network of providers, helping homeowners protect their rights.

Here is the link to a recent press conference by the Attorney General and article for additional information:

<http://www.ag.ny.gov/press-release/ag-schneiderman-announces-capital-region-results-homeowner-protection-program-first-15>

Thank you for volunteering in January & February

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