

September 1, 2023

## Other applicable RESPA documents: HUD Documents

The Dodd-Frank Act transferred to the CFPB authorities under multiple statutes, including the Real Estate Settlement Procedures Act (RESPA). When the CFPB assumed authority under the transferred statutes, it issued the [2011 Transfer of Authorities Notice](#) (2011 Transfer Notice). The 2011 Transfer Notice identified the rules and orders of the transferor agencies enforceable by the CFPB, including Department of Housing and Urban Development (HUD)'s regulations on RESPA in 24 CFR part 3500.<sup>1</sup>

In addition, the 2011 Transfer Notice confirmed that other official documents issued by other agencies prior to the transfer date would be applied by the CFPB going forward unless the CFPB took further action with respect to those documents or they were superseded by law.

The documents listed below are select HUD-issued official rules, interpretations, or policy statements that fall within the scope of the official documents as defined in the 2011 Transfer Notice and continue to be applied today by the CFPB.<sup>2</sup> This list is provided for ease of reference. It is not exhaustive of all HUD documents that continue to apply. Reviewers should consult the

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<sup>1</sup> In December 2011 the CFPB restated the implementing regulations on RESPA at Regulation X, 12 CFR part 1024.

<sup>2</sup> Some portions of these documents may be moot due to actions by Congress, courts, or HUD after the document was published. For example, the HUD CLO Policy Statement (1996-1) was issued as part of a broader set of HUD regulations and interpretations that addressed employer-to-employee payments. See 61 FR 29238 (June 7, 1996). Because some of these regulations and interpretations were never finalized, see 61 FR 58472 (Nov. 15, 1996), certain aspects of the HUD CLO Policy Statement—for example, section 4, addressing “Payments of Commissions or Bonuses to Employees”—were not made effective by HUD and would not be applied by the CFPB. See *id.* at 58473.

2011 Transfer Notice for guidance on whether other HUD documents are still applicable. This list may be updated periodically as the CFPB provides additional guidance on these topics, documents become inapplicable, or for other reasons.

## HUD Documents

TABLE 1: LIST OF APPLICABLE HUD DOCUMENTS

Document Title	Publication Date	Citation
RESPA Statement of Policy 1996–1, Regarding Computer Loan Origination Systems (CLOs)	June 7, 1996	<a href="#">61 FR 29255</a>
RESPA Statement of Policy 1996–2, Regarding Sham Controlled Business Arrangements	June 7, 1996	<a href="#">61 FR 29258</a>
RESPA Statement of Policy 1996–3, Rental of Office Space, Lock-outs, and Retaliation	June 7, 1996	<a href="#">61 FR 29264</a>
RESPA Statement of Policy 1996–4, Statement of Enforcement Standards: Title Insurance Practices in Florida	September 19, 1996	<a href="#">61 FR 49398</a>
RESPA Statement of Policy 1999–1, Regarding Lender Payments to Mortgage Brokers	March 1, 1999	<a href="#">64 FR 10080</a>
RESPA Statement of Policy 2001-1, Regarding Clarification of Statement of Policy 1999–1 Regarding Lender Payments to Mortgage Brokers, and Guidance Concerning Unearned Fees Under Section 8(b)	October 18, 2001	<a href="#">66 FR 53052</a>
Real Estate Settlement Procedures Act (RESPA): Home Warranty Companies' Payments to Real Estate Brokers and Agents Interpretive Rule	June 25, 2010	<a href="#">75 FR 36271</a>