



NATIONAL ASSOCIATION OF REALTORS®

The Voice For Real Estate®

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March 16, 2010

The Honorable David H. Stevens
Assistant Secretary for Housing - Federal Housing Commissioner
U.S. Department of Housing and Urban Development
Washington, DC 20410

Dear Commissioner Stevens:

I am writing on behalf of the 1.2 million members of the National Association of REALTORS® (NAR) to request that lenders be prohibited from using social security numbers or drivers license information to confirm that real estate agents are not on HUD's "Limited Denial of Participation" (LDP) list or GSA's List of "Parties Excluded from Federal Procurement or Non-procurement Programs". The National Association of REALTORS® is America's largest trade association, including NAR's five commercial real estate institutes and its societies and councils. REALTORS® are involved in all aspects of the residential and commercial real estate industries and belong to one or more of some 1,400 local associations or boards, and 54 state and territory associations of REALTORS®.

Mortgage Credit Analysis for Mortgage Insurance, HUD Handbook 4155.1, section 4.A.7.c, describes ineligible mortgage transactions for FHA mortgage insurance. This section identifies certain parties to the real estate transaction, including the listing or selling real estate agent, that if found on the HUD LDP list or GSA's List of Parties Excluded from Federal Procurement or Non-procurement Programs will make a mortgage loan application not eligible for FHA mortgage insurance.

Lenders are requiring real estate agents to provide sensitive information to show they are not on the HUD or GSA lists. NAR has concerns that listing and selling agents and their brokers are at risk of identity theft when lenders collect data for the HUD LDP list or the GSA List. To confirm the real estate agent is not on the HUD LDP or the GSE list, many lenders require underwriters to collect sensitive personal information without appropriate measures in place to protect against identity theft. Our members report that individual underwriters often collect unnecessary information, such as Social Security Numbers and real estate agents may be required to provide this information to a number of underwriters, even those working for the same lender. HUD should prohibit lenders from collecting sensitive data and require that lenders collect the minimum amount of data necessary to confirm a real estate agent is not on either list. HUD should further require that lenders have appropriate measures in place to protect the identity of any individual when checking the HUD and GSA lists.

Thank you for your time and consideration of this matter. If you have any questions or concerns, or if I may be of service to you, please do not hesitate to contact me or our Senior Regulatory Policy Representative, Jerry Nagy, at 202.383.1233 or jnagy@realtors.org.

Sincerely,



Vicki Cox Golder, CRB

2010 President

National Association of REALTORS®