

Changes to Act 91 Notice of Intention to Foreclose

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In April of 2016, the Pennsylvania Housing Financing Agency ("PHFA") published final amended regulations in connection with the Homeowner's Emergency Mortgage Assistance Program ("HEMAP"). A number of the changes deal with the procedures used by PHFA to determine the eligibility of homeowners for assistance under HEMAP. Those changes will not be detailed in this Alert.

One change that is important to lenders is the substantial changes made by PHFA to the standard notice of intention to foreclose, commonly referred to the "Act 91 Notice." PHFA has published a substantially revised standard Act 91 Notice. A copy of this revised notice can be accessed from the PHFA website. While PHFA acknowledges that it lacks specific enforcement authority to require strict compliance with the standard form of notice, the agency does view such failure to comply as a violation of Act 91 and strict compliance by lenders is therefore strongly recommended.

Material changes to the standard Act 91 Notice include the following:

The notice must be sent in English with a Spanish translation on the reverse side. PHFA has also made the notice available in other languages. While only English and Spanish versions of the Notice are required, the agency encourages lenders, when appropriate, to use other versions in addition to English and Spanish.

The Notice may not be printed on company letterhead.

The specific cells in the form may not be added to or deleted. If a particular field is not applicable it is to be marked as "N/A."

Except for the entry of the date at the top of each page, and the information relevant to the particular homeowner's account, no other changes to the content of the notice are permitted.

Other changes to the form's embedded instructions regarding font and format are not permitted.

The new standard form of notice can be used as early as April 30, 2016 and **MUST** be used beginning September 1, 2016.

If you have further questions, you may contact the author or any other member of Barley Snyder's [Finance and Creditors' Rights Group](#).

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