

Michigan Foreclosure Prevention Project (MFPP)

Statewide Training

March 24 – 25, 2015

Okemos Conference Center
2187 University Park Drive
Okemos, Michigan

PURPOSE OF TRAINING:

There have been a number of changes in the foreclosure area in Michigan. There have been changes that have affected the loss mitigation process and the litigation of foreclosure cases in. For example, we no longer have the 90-day law. Instead we now have the Consumer Financial Protection Bureau (CFPB) early intervention and loss mitigation rules. These rules apply to most servicers and set requirements and timelines before foreclosures can be initiated. Soon, we will no longer have funding for loan modifications and tax foreclosures through the MSHDA Step Forward Program. Finally, there have been a number of court decisions limiting homeowners' defenses in challenging the validity of a foreclosure sale. All these changes have impacted how we effectively represent homeowners faced with foreclosure. Therefore, the purpose of this statewide training is to brainstorm about new approaches and new legal theories to protect the interests of homeowners faced with foreclosure; and examine issues around mortgage lending and its impact on the marginalized populations in Michigan.

This training will address issues such as: 1) handling a case after the repeal of the 90-day law; 2) navigating the loss mitigation process, including HAMP, without the Step Forward funds; 3) getting homeowners in the door early before the foreclosure sale is scheduled; 4) setting up a case for noncompliance of the CFPB rules; 5) litigating a damage lawsuit; 6) developing a case to meet the *Kim* prejudice standard; 7) enjoin a sheriff's sale based on the noncompliance of the CFPB rules; 8) using other federal consumer protection statutes such as the Fair Debt Collection Practices Act and the Fair Credit Reporting Act to challenge a foreclosure; and 9) racial discrimination and mortgage lending.

WHO SHOULD ATTEND: Housing Counselors and Legal Services Attorneys Representing Homeowners Faced with Foreclosure.

FORMAT:

This is a day and a half training which includes a working lunch. The first day begins at 1:00 p.m. On the first day, there will be a meeting for the MFPP grant funded legal services attorneys to review administrative issues. After that, the training begins for everyone with a focus on the big picture in mortgage lending addressing the intersection between racial discrimination and mortgage lending. We hope everyone will attend this very important presentation. The day concludes with a welcome reception.

On the second day, there will be a presenter for each substantive topic addressing new approaches and/or new legal theories to foreclosure. Following the presentation of each substantive topic, there will be a facilitated discussion focusing on implementation of these new strategies. Depending on number of people in attendance, we may breakout into small groups and then report back to the larger group.

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AGENDA

Day One – Tuesday, March 24, 2015

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|-----------------------|---|
| 1:00 p.m. – 3:00 p.m. | Meeting with grant funded legal services attorneys (lunch included) |
| 2:30 p.m. | REGISTRATION opens for all participants |
| 3:00 p.m. – 5:00 p.m. | Racial Discrimination and Mortgage Lending (<i>Kenneth Edwards, Relman, Dane & Colfax PLLC</i>) |
| 5:00 p.m. – 7:00 p.m. | Welcome Reception – Housing Counselors and Legal Services attorneys |

Day Two – Wednesday, March 25, 2015

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| 8:00 a.m. | Registration |
| 8:30 a.m. – 8:45 a.m. | Welcome/Introductions/Format of Meeting (<i>Lorray Brown</i>) |
| 8:45 a.m. – 9:00 a.m. | Overview: Foreclosure in Michigan – Where We Are Now (<i>Lorray Brown</i>) |
| 9:00 a.m. – 10:00 a.m. | Navigating Loss Mitigation After Step Forward: Troubleshooting for HAMP (<i>Sarah Bolling Mancini, National Consumer Law Center</i>) |
| 10:00 a.m. – 10:15 a.m. | BREAK |
| 10:15 a.m. – 11:15 a.m. | Navigating the Loss Mitigation Process (<i>Group Discussion – small group then report back to large group</i>) |
| 11:15 a.m. – 12:15 | Applying the Fair Credit Reporting Act and the Fair Debt Collection Practices Act to Mortgage Servicing Cases (<i>Ian Lyngklip, Lyngklip & Associates Consumer Law Center, PLC</i>)
www.MichiganConsumerLaw.Com |
| 12:15 p.m. – 1:15 p.m. | LUNCH (Working lunch)
Getting Homeowners into the Door Early Before the Sheriff's Sale (<i>small group discussion – housing counselors and legal services attorneys - geographic groups</i>) |

1:15 p.m. – 1:30 p.m.	Report Back to Large Group
1:30 p.m. – 2:30 p.m.	The Implementation of the Consumer Financial Protection Bureau Rules: Through the Life of a Foreclosure Case <ul style="list-style-type: none"> ■ Non-compliance ■ Damages ■ Injunctive Relief Based on Non-compliance – Can This Be Done? <i>(Geoff Walsh and Sarah Bolling Mancini, National Consumer Law Center)</i>
2:30 p.m. – 3:00 p.m.	Bankruptcy as a Tool: How Bankruptcy Can Help With Foreclosures <i>(Geoff Walsh, National Consumer Law Center)</i>
3:00 p.m. – 3:15 p.m.	BREAK
3:15 p.m. – 4:15 p.m.	Reactions and Ideas About Ways to Use Both the CFPB Rules and Bankruptcy in Stopping Foreclosures and Getting Loan Modifications <i>(Group Discussion – small group then report back to large group)</i>
4:15 p.m. – 5:00 p.m.	How to Develop a Case and Quantify Harm Around the <i>Kim</i> Standard <i>(Large Group Discussion – facilitated by Geoff Walsh and Sarah Bolling Mancini)</i>