

January 9, 2006

**AMERICAN
LAND TITLE
ASSOCIATION**



Ms. Lillian Deitzer
Reports Management Officer
Department of Housing and Urban Development
451 7th Street, SW
L'Enfant Plaza Building, Room 8003
Washington, D.C. 20410

Dear Ms. Deitzer:

These comments are submitted regarding the Notice of Proposed Information Collection: Comment Request, Real Estate Settlement Procedures Act (RESPA) Web Site Complaint Questionnaire (OMB Control No. 2502-Pending) on behalf of the American Land Title Association (ALTA)¹, the national trade association of the land title industry.

ALTA believes that the proposal for a questionnaire form to be available at the HUD RESPA website for the provision of information regarding possible RESPA violations could provide a useful mechanism for consumers and competitors to bring to HUD's attention potential RESPA violations. However, we are also concerned that the website may become a vehicle that leads to HUD investigations where there may be no real basis for such an investigation. Because of the time and effort required to respond to even an initial inquiry from HUD about a possible violation, we believe that HUD should consider various safeguards that will maximize the prospect that information submitted via the website will be accurate and complete, and not merely intended to spur an investigation into a company's practices because of the ill will of a disgruntled consumer, employee, or competitor.

Potential Safeguards

For example, ALTA believes that HUD should consider requiring any submission of information to be made under oath and/or penalty of prosecution for the submission of intentionally false information. Because complaints may lead to HUD actions with civil or criminal liability, such a requirement is reasonable in sorting the presentation of information by persons who may otherwise be reporting rumors or suspicions.

In addition, HUD should not open an investigation file before first discussing the submission with the company whose practice has been challenged. It may be the case that many complaints can be disposed of or be demonstrated not to involve a matter worth HUD's further attention by a phone call with the company involved. Finally, ALTA believes it is also important that all such filings and contacts be maintained in strict confidence, and be used only by HUD for the purpose of evaluating whether to investigate the potential RESPA violation being alleged.

If the Department has any questions about this submission, please do not hesitate to contact me.

Sincerely,



Charlene Nieman
Grassroots & PAC Manager
American Land Title Association

¹ The American Land Title Association membership is composed of nearly 3,000 title insurance companies, their agents, independent abstractors and attorneys who search, examine, and insure land titles to protect owners and mortgage lenders against losses from defects in titles. Many of these companies also provide additional real estate information services, such as tax search, flood certification, tax filing, and credit reporting services. These firms and individuals employ nearly 100,000 persons and operate in every county in the country.