

PROCEDURE NAME: Ombudsman Complaint and Appeal Procedures
RELEVANT REGULATION: 12 CFR Part 1213
APPLICABLE TO: Office of the Ombudsman
LOCATION: Public website link:
EFFECTIVE DATE: May 1, 2020

I. Purpose and Principles

- A. *Ombudsman Procedures.* Pursuant to 12 U.S.C. 4517(i), the Federal Housing Finance Agency (FHFA) has established the FHFA Office of the Ombudsman (Office) to consider complaints and appeals by certain parties relating to FHFA’s supervision and regulation of its regulated entities. FHFA regulations at 12 CFR Part 1213 set forth the authorities and duties of the Ombudsman. This document establishes the Ombudsman’s procedures for receiving, considering, and closing complaints and appeals (Procedures).
- B. *Ombudsman Authority.* The Ombudsman has authority delegated by the FHFA Director (Director). The Ombudsman receives, considers, and works to resolve complaints and appeals about matters relating to the supervision and regulation of the Federal National Mortgage Association and any of its affiliates (FNMA), the Federal Home Loan Mortgage Corporation and any of its affiliates (FHMLC), any Federal Home Loan Bank (each, individually, a “regulated entity” and collectively, “regulated entities”), or the Federal Home Loan Bank System’s Office of Finance (OF).
- C. *Review Principles.* Ombudsman determinations will be based on a neutral, fair and independent assessment of the facts and circumstances of a particular matter. Determinations are not subject to review by FHFA regulatory, supervisory or policy-making functions. If confidentiality is requested for a complaint or appeal, the Ombudsman will not disclose information about it without the submitting party’s approval, except to reviewing officials and as required by law.

II. Complaints

- A. *Eligibility.* A complaint must be submitted by an eligible party and must be based either on (i) FHFA supervision and regulation of a regulated entity or OF or (ii) on a claim of retaliation for a prior submission to the Ombudsman.
- B. *Who May Submit a Complaint.* Complaints may be submitted by:
1. A regulated entity or OF; or

2. Any person that has a business relationship with a regulated entity or OF. “Business relationship” means interaction between a person and a regulated entity or OF relating to the provision of goods or services. “Business relationship” does not include any interaction between a mortgagor (that is, a homeowner with a mortgage loan) and a regulated entity that directly or indirectly owns, purchased, guarantees, or sold the mortgage.

C. *Basis for Complaint.* Complaints may be submitted regarding a matter relating to the regulation or supervision of a regulated entity by FHFA that is not otherwise subject to resolution in another forum, that cannot be submitted as an appeal to the Ombudsman, and that has not previously been considered by the Ombudsman. Complaints may also be based on a claim of retaliation by FHFA or FHFA staff for a prior submission to the Ombudsman of a complaint or appeal.

1. Matters relating to regulation and supervision include those arising in the course of FHFA examinations and regulatory activity, for example, about the examination process. They do not include:
 - a. FHFA legal interpretations of statute or regulation;
 - b. Employment or business disputes between a regulated entity or OF and an employee, contractor, vendor, service provider, or investor; or
 - c. FHFA’s appointment of a conservator or receiver, or matters under the authority of a conservator or receiver;
2. The Ombudsman will not consider complaints based on matters that are otherwise subject to resolution in another forum, including:
 - a. Matters subject to litigation, arbitration, or mediation;
 - b. Matters within the jurisdiction of the FHFA Office of Inspector General (OIG), including matters contained in any OIG recommendation; or
 - c. Requests or appeals under the Freedom of Information Act or Privacy Act or relating to disclosure or non-disclosure of information.
3. The Ombudsman will treat any complaint submitted regarding a final regulatory or supervisory conclusion, finding, decision, or rating as an appeal (see Section III below).

III. Appeals

A. *Eligibility.* To be eligible for Ombudsman consideration, an appeal must be submitted by a regulated entity.

- B. *Basis for Appeal.* An appeal must be based on a final regulatory or supervisory conclusion, finding, decision, or rating that is not subject to resolution in another forum and has not previously been considered by the Ombudsman.
1. Final regulatory and supervisory determinations must be documented in a formal, written communication to the regulated entity. The following matters will not be considered by the Ombudsman:
 - a. FHFA's interpretation of a law or regulation;
 - b. Preliminary or draft conclusions, findings, or ratings;
 - c. Any matter relating to another regulated entity;
 - d. FHFA's appointment of a conservator or receiver, or matters under the authority of a conservator or receiver;
 2. Matters that are otherwise subject to resolution are not eligible for Ombudsman consideration. These include:
 - a. Any matter in litigation, arbitration, mediation, or enforcement proceedings, including FHFA decisions made in the course of preparing or issuing a formal enforcement action;
 - b. Any matter within the jurisdiction of the OIG, including a matter contained in any OIG recommendation; or
 - c. Requests or appeals under the Freedom of Information Act or Privacy Act or relating to disclosure or non-disclosure of information.

IV. Submission Procedures

- A. *Content of Complaints.* Complaints must be in writing and include the following information:
1. Name, address, email address and telephone number of the person submitting the complaint;
 2. If the complaint is based on a business relationship, a description of the business relationship and identification of the regulated entity or OF;
 3. Name, address, email address and telephone number of any other person the submitter requests the Ombudsman to contact about the complaint;
 4. A description of the regulatory or supervisory basis for the complaint, including documentation supporting the complaint and a description of any prior efforts to resolve the matter;
 5. A description of the resolution requested; and
 6. Whether confidential treatment is requested.

B. *Content and Deadline for Appeals.* Appeals must be in writing and must be submitted within sixty (60) calendar days after the regulated entity's receipt of the final written regulatory or supervisory conclusion, finding, decision or rating being appealed.

Appeals must include the following information:

1. The regulated entity on whose behalf the appeal is submitted and documentation of senior management approval of submission of the appeal;
 2. Name, address, email address and telephone number of the person submitting the appeal and other person(s) the submitter requests the Ombudsman to contact about the appeal;
 3. The final written regulatory or supervisory conclusion, finding, examination report or rating being appealed, and supporting documentation;
 4. A description of prior efforts to resolve the matter;
 5. A description of the resolution requested; and
 6. Whether confidential treatment is requested.
- C. *Method for Submission of Complaints and Appeals.* Complaints and appeals must be submitted in writing and include the information above. No specific form is required.

Electronic submissions may be submitted at:

<https://www.fhfa.gov/contact/ombudsman>

Or by email to: Ombudsman@fhfa.gov

Paper submissions may be sent via U.S. mail to: **Ombudsman, Federal Housing Finance Agency, Constitution Center, 400 7th Street, SW, Washington, D.C., 20219.**

For information on Accessibility and Section 508 of the Rehabilitation Act, click on this link <https://www.fhfa.gov/about/fhfa-policies/accessibility>.

If you have a disability and the format of any material on our Web pages interferes with your ability to access the information, please contact the Agency's webmaster at FHFAWebmaster@FHFA.gov or at 202-649-3031.

V. Ombudsman Review and Disposition

A. *Eligibility Determination.* The Ombudsman will make preliminary inquiries to determine whether a submission is complete and is an eligible complaint or appeal.

1. If a complaint or appeal appears incomplete, the Ombudsman will request additional information. If a submitter does not provide the information requested

to complete the submission within the time set by the Ombudsman, the submission may be administratively closed. The Ombudsman will acknowledge a complaint or appeal within ten (10) business days after receipt of a complete submission.

2. After a submission is complete, the Ombudsman will make a determination whether it is eligible for consideration. If it is not eligible, for example, because it is subject to resolution in another forum (e.g., another FHFA office, a different agency, or a regulated entity or OF), the Ombudsman will advise the submitter of such ineligibility and may, if applicable, refer the submitter to the appropriate forum.

B. *Ombudsman Review.* After determining that a complaint or appeal is complete and eligible for consideration, the Ombudsman will conduct a review.

1. *Methods of Review:* The Ombudsman has discretion to determine appropriate methods for conducting a review and may request information from the submitter; any FHFA employee or office; the relevant regulated entity or OF; or other relevant parties. If the submitting party fails to cooperate with a review, the Ombudsman may administratively close the complaint or appeal and notify the submitting party.
2. *Timeframe for Review:* No later than later than ninety (90) days after determination that a complaint or appeal is complete and eligible, the Ombudsman will conclude the review or extend the time for concluding the review and notify the submitting party.
3. *Confidentiality:* If a party to a complaint or appeal requests confidentiality, the Ombudsman will not disclose information submitted by that party without approval by the requesting party, other than to reviewing officials (including OIG) and as otherwise required by law. The Ombudsman will advise a submitter if a request for confidentiality is likely to prevent effective completion of a review.
4. *Retaliation:* The Ombudsman will review complaints of retaliation in consultation with the FHFA OIG.

C. *Disposition.* Within forty-five (45) days following the conclusion of the review, the Ombudsman will either document closure of the complaint or appeal or will submit findings of fact and recommendations to the FHFA Director.

1. *Closure by Withdrawal:* A submitter's withdrawal of a complaint or appeal results in closure.

2. Administrative Closure: The Ombudsman may administratively close a complaint or appeal if the Ombudsman determines that it cannot effectively be resolved through Ombudsman consideration (including due to failure by the submitter to provide requested information or due to confidentiality constraints) or that it should be referred to another forum for resolution. The Ombudsman will notify the submitting party of administrative closure.
3. Resolution by Consent: A submitter may consent to a proposed resolution of the complaint or appeal. The Ombudsman may extend the review to allow for monitoring of any actions provided in the consent resolution. Following the monitoring period, the Ombudsman will close the complaint or appeal.
4. Resolution by Decision: The Ombudsman will submit findings of fact and recommendations (including recommended Agency actions) to the Director for resolution of a complaint or appeal by decision. Decisions may be issued by the Director or the Director may delegate decision authority to the Ombudsman.