

~~(vi) Copies of any information or documents provided by a borrower to a servicer in accordance with the procedures set forth in §§ 1024.35 or 1024.41.~~

1024.39 Early intervention requirements for certain borrowers.

(a) *Oral notice.* If a borrower is late in making a payment sufficient to cover principal, interest, and, if applicable, escrow for a given billing cycle, a servicer shall notify or make good faith efforts to notify the borrower orally not later than 30 days after the payment due date that the borrower is late and that loss mitigation options, if applicable, may be available. If the servicer attempts to notify the borrower by telephone, good faith efforts require calling the borrower on at least three separate days in order to reach the borrower. A servicer is not required to notify or make good faith efforts to notify the borrower under this paragraph if the borrower makes the payment within 30 days after the payment due date.

(b) *Written notice.* (1) *In general.* If a borrower is late in making a payment sufficient to cover principal, interest, and, if applicable, escrow for a given billing cycle, a servicer shall provide to the borrower a written notice that complies with paragraph (b)(2) of this section not later than 40 days after the payment due date. A servicer is not required to provide the written notice if the borrower makes the payment within 40 days after the payment due date. A servicer is not required to provide the written notice more than once during any 180-day period.

(2) *Content of the written notice.* The notice required by paragraph (b)(1) of this section shall include:

- (i) A statement encouraging the borrower to contact the servicer;
- (ii) The servicer's mailing address and telephone number;
- (iii) A statement, if applicable, providing a brief description of loss mitigation options that may be available from the servicer;
- (iv) A statement, if applicable, informing the borrower how to obtain more information about loss mitigation options from the servicer;
- (v) A statement explaining that foreclosure is a legal process to end the borrower's ownership of the property and an estimate, expressed in a number of days from the date of a missed payment, of when the servicer makes the referral to foreclosure; and
- (vi) The website address, if applicable, and telephone number to access:
 - (A) Any State housing finance authority (as defined in section 1301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989) for the State in which the borrower's property is located; and
 - (B) Either the Bureau list of homeownership counselors or counseling organizations or the HUD list of homeownership counselors or counseling organizations.

(3) *Model clauses.* Model Clauses MS-4(A), MS-4(B), MS-4(C), MS-4(D), and MS-4(E) in Appendix MS-4 to this part may be used to comply with the requirements of paragraphs (b)(1) and (b)(2) of this section.

~~**1024.40 Continuity of contact.**~~

~~(a) *Continuity of contact requirements.* (1) *In general.* No later than five days after a servicer has notified or made a good faith effort to notify a borrower as required by § 1024.39(a),~~