



# Single Family Housing Guaranteed Loan Program— Liquidation Value Appraisals—Interim Report

## Audit Report 04601-0001-23(1)

OIG reviewed RHS' controls over liquidation value appraisals to determine if SFH guaranteed loans are safeguarded and loss claims are not overstated.

### OBJECTIVE

The overall objective of our ongoing audit is to determine if RHS' controls over liquidation value appraisals safeguard the SFH Guaranteed Loan Program against overstated loss claims. This report provides interim results from our audit and, in particular, information on incorrect future recovery calculations.

### REVIEWED

We reviewed applicable laws, regulations, policies, procedures, and guidance; evaluated relevant servicing records and supporting documentation for selected loans reviewed to date; and interviewed CSC staff regarding GLS data and loss claim servicing.

### RECOMMENDS

We recommend that RHS prepare and submit a request to update GLS and subsequent systems, recover the amount of funds due to Rural Development from lenders, and issue formal guidance to address the recovery calculator issue until the system is updated or future recoveries are eliminated.

### WHAT OIG FOUND

The Rural Housing Service (RHS), an agency within the Rural Development mission area, administers the Single Family Housing (SFH) Guaranteed Loan Program. This program is designed to provide low- and moderate-income persons in rural areas with an opportunity to own decent, safe, and sanitary dwellings. The program reduces a private lender's risk of loss because the Federal Government will reimburse up to 90 percent of the original loan amount to the lender if a borrower defaults on a loan. This payment is considered a "loss claim." A lender receives a loss claim payment on unsold real estate owned (REO) property. Once sold, the lender reports the final sale of the property. If the sale price is greater than the liquidation value appraisal amount, the lender pays a future recovery amount calculated by the Guaranteed Loan System (GLS).

We found a loan in GLS that displayed an incorrectly calculated future recovery amount. We informed Customer Service Center (CSC) officials, who stated this occurred because a GLS automation control was disabled in July 2015. As a result, GLS and RHS did not identify future recovery amounts due for the loan we identified. CSC officials also identified additional loans with recovery amounts affected by the disabled automation control. In total, CSC calculated applicable lenders owed Rural Development approximately \$768,722 in future recovery on 80 loans.

The Rural Development HS CSC officials concurred with our finding and recommendations, and we accepted management decision on all three recommendations.





United States Department of Agriculture  
Office of Inspector General  
Washington, D.C. 20250



DATE: September 5, 2018

AUDIT  
NUMBER: 04601-0001-23(1)

TO: Joel C. Baxley  
Administrator  
Rural Housing Service

ATTN: Jacqueline Ponti-Lazaruk  
Chief Risk Officer  
Rural Development

FROM: Gil H. Harden  
Assistant Inspector General for Audit

SUBJECT: Single Family Housing Guaranteed Loan Program—Liquidation Value  
Appraisals—Interim Report

This interim report presents results from the subject audit. Your written response to the draft report, dated August 10, 2018, is included in its entirety at the end of this report. Your response and the Office of Inspector General's (OIG) position are incorporated into the relevant sections of the report. Based on your written response and on additional documentation provided to us on August 16, 2018, we are accepting management decision for all audit recommendations in the report, and no further response to this office is necessary.

In accordance with Departmental Regulation 1720-1, final action needs to be taken within 1 year of each management decision to prevent being listed in the Department's annual Agency Financial Report. Please follow your internal agency procedures in forwarding final action correspondence to the Office of the Chief Financial Officer.

We appreciate the courtesies and cooperation extended to us by members of your staff during our audit fieldwork and subsequent discussions. This interim report contains publicly available information and will be posted in its entirety to our website (<http://www.usda.gov/oig>) in the near future.



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# Background and Objectives

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## Background

The Department of Agriculture's (USDA) Rural Development mission area endeavors to increase economic opportunities and improve the quality of life for rural Americans. Section 502 of the Housing Act of 1949, as amended, authorizes USDA to guarantee loans made by approved lenders to eligible applicants through the Single Family Housing (SFH) Guaranteed Loan Program. The SFH Guaranteed Loan Program is designed to provide low- and moderate-income persons in rural areas with an opportunity to own "decent, safe, and sanitary dwellings and related facilities."<sup>1</sup> The program substantially reduces a private lender's risk of loss because the Federal Government will reimburse up to 90 percent of the original loan amount to the lender if a borrower defaults on a loan.

The Rural Housing Service (RHS), an agency within the Rural Development mission area, manages the SFH Guaranteed Loan Program through its national office in Washington, D.C., and its network of State and area offices. RHS staff are responsible for reviewing applications to verify that proposed loan guarantees are made to lenders for eligible borrowers. The staff also inputs information, such as lender and borrower names, the loan amount, and other loan specifics, into a database recordkeeping system called the Guaranteed Loan System (GLS). To qualify for a guarantee, lenders must ensure that each borrower is income-eligible and has the ability to repay the loan. Lenders are also responsible for originating, underwriting, servicing, and liquidating the loans.<sup>2</sup> The Customer Service Center (CSC), a unit within Rural Development, is charged with ensuring eligibility requirements are met and monitoring lenders' performance on an ongoing basis. The SFH Guaranteed Loan Program continues to grow with a portfolio volume of over one million loans.

When a Guaranteed Loan Program borrower defaults on a loan and the lender's loss mitigation efforts are not successful, the property must be sold through a foreclosure sale.<sup>3</sup> If the property does not sell to a third party at the foreclosure sale, the lender takes ownership and it becomes a real estate owned (REO) property. The lender must market the REO property and try to sell it within the permissible sales/marketing period, generally 9 months from the foreclosure date. If the property remains unsold at the end of the 9 months, the lender<sup>4</sup> will obtain a third-party liquidation value appraisal and include the appraisal with the loss claim submission to RHS.<sup>5</sup>

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<sup>1</sup> According to Federal regulations, related facilities are defined as a garage or storage shed.

<sup>2</sup> Servicing, or loan administration, is a mortgage banking function, which includes the receipt of payments, customer service, escrow administration, investor accounting, collections, and foreclosures.

<sup>3</sup> Loss mitigation is defined, in part, as a lender's efforts to resolve a defaulted loan to maximize recovery and avoid foreclosure.

<sup>4</sup> For the purposes of this report we use "lender" to encompass the servicer. Servicing may be carried out by the lender or by a third-party servicer.

<sup>5</sup> Liquidation value is the most probable price a property is likely to bring under conditions including, but not limited to: (1) consummation of a sale within a severely limited future marketing period, (2) currently prevailing actual market conditions, (3) allowance of a limited marketing effort and time for the completion of the sale, and (4) a seller under extreme compulsion to sell.

The liquidation value appraisal will be used to calculate a loss claim payment.<sup>6</sup> The loss claim is the method by which RHS provides reimbursement to a lender who has fulfilled all Guaranteed Loan Program requirements but who has incurred a loss on a guaranteed loan.

Upon sale of the REO property, the lender must notify RHS. If the lender sells the REO property for an amount greater than the liquidation value upon which the loss claim was calculated, the lender must report that difference to RHS as a “future recovery.”<sup>7</sup> The proceeds of any amounts recovered shall be shared by RHS and the lender in proportion to the amount of loss borne between RHS and the lender. Lenders approved to submit claims electronically may calculate, submit, and update loss claim requests and future recovery, including the recovery calculator information, in GLS.<sup>8</sup>

## Objectives

The overall objective of our ongoing audit is to determine if RHS’ controls over liquidation value appraisals safeguard the SFH Guaranteed Loan Program against overstated loss claims. This report provides interim results from our audit and, in particular, information on incorrect future recovery calculations.

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<sup>6</sup> The loss claim is limited by the loan guarantee to the lesser of (1) 90 percent of the original principal amount; or (2) 100 percent of any loss equal to or less than 35 percent of the original principal advanced, plus 85 percent of any remaining loss up to 65 percent of the principal advanced.

<sup>7</sup> Future recovery is the recovery of additional funds from the lender to be applied to the REO account subsequent to the settlement of the original loss claim payment.

<sup>8</sup> In December 2016, RHS notified lenders that RHS would no longer accept manual paper submissions. As of September 30, 2017, all lenders are submitting claims electronically.

## **Finding 1: RHS did not Identify nor Request Future Recovery Due from Lenders**

We found a loan in GLS that displayed an incorrectly calculated future recovery amount the lender was to pay the Agency. We brought this to the attention of CSC officials, who stated this occurred because a GLS automation control was disabled in July 2015. As a result, GLS and RHS did not identify future recovery amounts due from the lender on the loan in our sample. Furthermore, CSC officials identified additional lenders in GLS who sold properties for greater than the liquidation value appraisal amounts and whose recovery calculators were affected by the disabled automation control. In total, CSC calculated applicable lenders owed Rural Development approximately \$768,722 in future recovery on 80 loans, including the loan identified by the Office of Inspector General (OIG).

Federal regulations require the lender to notify the Agency upon sale of an REO property. If the lender recovers additional funds after the loss claim has been paid, the proceeds will be distributed so that the total loss to the Government is equivalent to the loss that would have been incurred had the recovered amount been included in the initial loss calculation.<sup>9</sup> When REO properties are sold, the lender enters the sale information into the GLS recovery calculator, which determines the amount of future recovery owed to RHS.

We identified a loan in our sample<sup>10</sup> where the REO property sold for more than the amount of the liquidation value appraisal.<sup>11</sup> The GLS recovery calculator displayed a total recovery of \$22,000, with allocations of \$18,700 to Rural Development and \$3,300 to the lender. However, the GLS recovery calculator's "Summary of Amount Due Rural Development" showed \$0 for the amount the lender was to pay Rural Development.

We contacted CSC on April 11, 2018, to request documentation to support RHS contacting lenders regarding the status of unsold properties. According to CSC, while processing the OIG request, on April 12, 2018, officials noticed the error where the future recovery calculator was completed prior to claim payment.<sup>12</sup> On April 16, 2018, CSC notified the lender of the corrected recovery amount due.<sup>13</sup> CSC researched the problem and determined it began when RHS made a system change on July 30, 2015.<sup>14</sup> CSC determined this error occurred in 147 cases. We contacted CSC about the anomaly on April 17, 2018. CSC officials stated, upon researching the original data request, the amount of the loss claim was not included in the calculation because

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<sup>9</sup> 7 C.F.R. § 1980.377, 7 C.F.R. § 3555.356.

<sup>10</sup> We statistically selected a sample of 100 guaranteed loans for review. Our universe included 2,068 loans with a total dollar value of almost \$125 million. Only 1 of the 100 loans in our sample was not submitted electronically. As of the date of this interim report, we are still in the process of reviewing our sample loans.

<sup>11</sup> The contract sales price was \$58,000, and the amount of the liquidation value appraisal was \$36,000.

<sup>12</sup> Even though CSC officials found the errors prior to OIG, we proceeded with this interim report to ensure that accurate and timely recoveries were received from the applicable lenders. CSC officials quickly addressed the problem and may collect all recoveries due prior to the issuance of our final audit report.

<sup>13</sup> The corrected total recovery is \$21,410 (\$22,000 difference between the contract sales price and the amount of the liquidation value appraisal, less a \$590 allowance for additional commission previously unreported). The corrected recovery amount due from the lender is \$18,198.50.

<sup>14</sup> As part of Rural Development's project to streamline the loss claim process, RHS modified GLS to allow the lender to approve future recovery when the lender input a future recovery and certain conditions were met.

the lender had completed the recovery calculator (to report the sale of the property) before the loss claim was paid.<sup>15, 16</sup> This resulted in GLS' incorrect calculation of \$0 as the amount due from the lender.

CSC identified 147 loans with lender-approved but potentially incorrect recovery calculators completed prior to loss claim payments. CSC requested settlement statements for those loans from the lenders and, once received, recalculated recovery and promptly sent demand letters to lenders for amounts owed to the Government. In total, CSC determined lenders owed Rural Development approximately \$768,722 in future recovery on 80 of the 147 loans.<sup>17, 18</sup>

Moreover, on April 17, 2018, CSC emailed instructions to its loss claim specialists to address any future loans with this recovery calculator issue. The specialists were instructed to delete the completed recovery calculator from GLS prior to processing a loss claim payment, and after the loss claim is paid, to re-input the recovery calculator and send a future recovery letter to the lender.<sup>19</sup> CSC also implemented a monthly review of lender-approved recovery calculators as an additional compensating control.

During the audit, CSC officials informed us that RHS proposes to streamline the loss claim process for lenders who have acquired title to REO property.<sup>20</sup> The proposed framework, if implemented, will eliminate the need for loss claim adjustments based on future recovery. Therefore, CSC officials were hesitant to commit to further modifying GLS to ensure lenders do not prematurely complete recovery calculators (prior to loss claims). We recognize RHS' position. However, taking into account the uncertainty and length of time surrounding implementation of the proposed rule and the informal actions CSC has already taken to mitigate the recovery calculator issue, we recommend that CSC submit a request to update the applicable information systems and formalize its instructions to loss claim specialists to address the recovery calculator issue. Additionally, we recommend that CSC recover the \$768,722 due to Rural Development.

CSC officials generally agreed with the recommendations. As of July 10, 2018, Rural Development reported it received future recovery payments for 33 loans totaling approximately \$414,949.

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<sup>15</sup> Prior to RD's streamlining effort, GLS had an automation control that ensured the final recovery calculator was completed after loss claim payment.

<sup>16</sup> Specifically for our sample loan, GLS showed the recovery calculator was completed on January 12, 2017, and the loss claim was paid January 27, 2017.

<sup>17</sup> For the remaining 67 loans, no recovery was due.

<sup>18</sup> We did not validate the number of loans or recalculate the amount due. However, we did verify the total amounts from the demand letters CSC officials provided.

<sup>19</sup> Out of the 147 loans identified by CSC as having the recovery calculator issue, 27 loans fell within our audit universe. For each of the 27 loans, we verified that CSC recalculated future recovery and notified lenders of any amounts due.

<sup>20</sup> As of June 27, 2018, the proposed rule cleared the Agency and was awaiting approval from the Department and Office of Management and Budget for publication.

## **Recommendation 1**

Prepare and submit a request to update GLS and subsequent systems to either (1) ensure a loss claim cannot be submitted for payment when a premature recovery calculator has been added prior to claim payment or (2) prevent the recovery calculator from being submitted prior to loss claim payment.

### **Agency Response**

In its August 10, 2018, response, Rural Development stated:

The agency submitted a Mission Needs Document requesting an automation change to prevent the future recovery from being calculated prior to claim payment to prevent incorrect future recovery calculations. The document was submitted to the Deputy Chief Information Officer on August 9, 2018.

The agency implemented a monthly review to identify errors and take corrective actions. The agency will continue to monitor the issue until the automation change is implemented or the Real Estate Owned Unsold claim type is eliminated as a result of a pending regulation change.

The estimated completion date is August 31, 2018.

### **OIG Position**

We accept management decision for this recommendation.

## **Recommendation 2**

Recover approximately \$768,722 in funds due to Rural Development from lenders.

### **Agency Response**

In its August 10, 2018, response, Rural Development stated:

The agency will continue to actively pursue the outstanding future recoveries identified. The amount of the future recovery due is subject to change if the lender provides evidence of allowable expenses which would require the agency to recalculate the future recovery calculator on any of the accounts identified.

As of August 9, 2018, the agency received future recovery payments for 35 loans totaling \$428,002; 45 accounts are outstanding, totaling \$340,720.27.

The estimated completion date is August 31, 2019.

## **OIG Position**

OIG previously obtained copies of the bills for collection for the amounts owed to the Government. On August 16, 2018, CSC provided evidence of collection or documentary support that the amounts have been entered as a receivable on the Agency's accounting records.

We accept management decision for this recommendation.

## **Recommendation 3**

Issue formal guidance to address the recovery calculator issue until the system is updated or future recoveries are eliminated.

## **Agency Response**

In its August 10, 2018, response, Rural Development stated:

The agency sent guidance and modified procedures to its loss claim specialists to make them aware and address how to handle the future recovery calculator issue. The agency is in the final stages of updating its desk procedures to include the updated future recovery procedure.

The estimated completion date is September 30, 2018.

## **OIG Position**

We accept management decision for this recommendation.

## Scope and Methodology

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We conducted our audit at the Rural Development CSC office in St. Louis, Missouri. The scope of our audit work covered loans with liquidation value appraisals ordered and with loss claims completed from June 17, 2016, to February 28, 2018.<sup>21</sup> We gained access to Rural Development's GLS and imaging system and completed our work remotely.<sup>22</sup> On April 17, 2018, we identified the inaccurate recovery amount for one of our sample loans and determined it necessary to issue an interim report to ensure timely recovery of funds from the applicable lenders.

We identified a universe of 2,068 guaranteed loans. The universe had approved loss claim payments totaling almost \$125 million. For our review, we selected a statistical sample of 100 loans with loss claim payments totaling over \$5.59 million.

To accomplish our objectives, to date we performed the following:

- Reviewed applicable laws, regulations, agency policies, procedures, and guidance related to the audit objective;
- Developed a proforma worksheet to assess the loans in our sample;
- Obtained through CSC additional lender documentation which was previously not uploaded into the imaging system;
- Reviewed and assessed servicing records and supporting documentation such as liquidation value appraisals, RHS appraisal reviews, detailed inspection reports, final sale closing documentation, and recovery calculators for selected loans;
- Interviewed CSC staff regarding the loss claim servicing and documentation; and
- Verified that CSC recalculated future recovery and notified lenders of any amounts due, for each of the 27 loans in the audit universe that had recovery calculators completed prior to loss claim payment.

During the course of our audit, we did not solely rely on information from any agency information systems. While we conducted limited verification of information generated by Rural Development's GLS and imaging system, we make no representation regarding the adequacy of these systems as a whole or the information generated from them because evaluating the effectiveness of the information systems (or information technology controls) was not one of the audit objectives. However, this report demonstrates that a GLS automation control was disabled without any compensating controls implemented by the Agency. Once detected, we solely relied on documentation, not system-generated information, to support the facts in this report. We assessed the reliability of the data used for the finding in this report; the extent and results of this testing are explained in the report.

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<sup>21</sup> In 2016, a final rule was published that changed policy regarding liquidation value appraisals. The rule provided that, in order to reduce overall processing time, reduce cost, and expedite loss claim submission, lenders—instead of RHS—will order the liquidation value appraisal used to estimate a loss claim against the SFH Guaranteed Loan Program. Prior to the final rule, if an REO property remained unsold by the lender at the end of the permissible marketing period, RHS ordered a liquidation value appraisal.

<sup>22</sup>All lender approval documents are digitally imaged or electronically stored in the Rural Development Imaging Repository (the imaging system).

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence we obtained provides a reasonable basis for our interim finding and conclusions based on our audit objectives.

## Abbreviations

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C.F.R.	Code of Federal Regulations
CSC	Customer Service Center
GLS	Guaranteed Loan System
OIG	Office of Inspector General
REO	real estate owned
RHS	Rural Housing Service
SFH	Single Family Housing
USDA	U.S. Department of Agriculture

## Exhibit A: Summary of Monetary Results

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Exhibit A summarizes the monetary results for our audit report by finding and recommendation number.

<b>Finding</b>	<b>Recommendation</b>	<b>Description</b>	<b>Amount</b>	<b>Category</b>
1	2	Future recovery amount due to Rural Development from lenders	\$768,722	Questioned Costs/Loans, Recovery Recommended

**AGENCY'S  
RESPONSE TO AUDIT REPORT**





**Rural Development  
Business Center**

August 10, 2018

Chief Financial Officer

Office of the National  
Financial and  
Accounting  
Operations Center

4300 Goodfellow  
Boulevard  
St. Louis, MO 63120

Voice 314.457.4152  
Fax 314.457.4292

**TO:** Gil H. Harden  
Assistant Inspector General for Audit  
Office of Inspector General

**THROUGH:** Terrie Barton /S/ Terrie Barton  
Acting Deputy Administrator  
National Financial and Accounting Operation Center

**FROM:** Christine Mechtly /S/ Alison Suhre  
Director, National Financial and Accounting Operation Center

**SUBJECT:** OIG Audit: Single Family Housing Guaranteed Loan Program—  
Liquidation Value Appraisals Interim Report - Agency Response- Audit  
Number 04601-0001-23(1)

**Introduction**

Thank you for providing the U.S. Department of Agriculture (USDA) Rural Development (RD) and Rural Housing Service (RHS) with the Office of Inspector General (OIG) draft report entitled “Single Family Housing Guaranteed Loan Program—Liquidation Value Appraisals—Interim Report,” Audit Number 04601-0001-23(1). We appreciate the opportunity to respond to OIG’s review of RHS’ controls over liquidation value appraisals to determine if Single Family Housing guaranteed loans are safeguarded and loss claims are not overstated.

**Recommendation 1**

Prepare and submit a request to update GLS and subsequent systems to either (1) ensure a loss claim cannot be submitted for payment when a premature recovery calculator has been added prior to claim payment or (2) prevent the recovery calculator from being submitted prior to loss claim payment.

**Agency Response:**

The agency submitted a Mission Needs Document requesting an automation change to prevent the future recovery from being calculated prior to claim payment to prevent incorrect future recovery calculations. The document was submitted to the Deputy Chief Information Officer on August 9, 2018.

The agency implemented a monthly review to identify errors and take corrective actions. The agency will continue to monitor the issue until the automation change is implemented or the Real Estate Owned Unsold claim type is eliminated as a result of a pending regulation change.

**Estimated Completion Date: August 31, 2018**

**Recommendation 2**

Recover approximately \$768,722 in funds due to Rural Development from lenders.

**Agency Response:**

The agency will continue to actively pursue the outstanding future recoveries identified. The amount of the future recovery due is subject to change if the lender provides evidence of allowable expenses which would require the agency to recalculate the future recovery calculator on any of the accounts identified.

As of August 9, 2018, the agency received future recovery payments for 35 loans totaling \$428,002; 45 accounts are outstanding totaling \$340,720.27.

**Estimated Completion Date: August 31, 2019**

**Recommendation 3**

Issue formal guidance to address the recovery calculator issue until the system is updated or future recoveries are eliminated.

**Agency Response:**

The agency sent guidance and modified procedures to its loss claim specialists to make them aware and address how to handle the future recovery calculator issue. The agency is in the final stages of updating its desk procedures to include the updated future recovery procedure.

**Estimated Completion Date: September 30, 2018**

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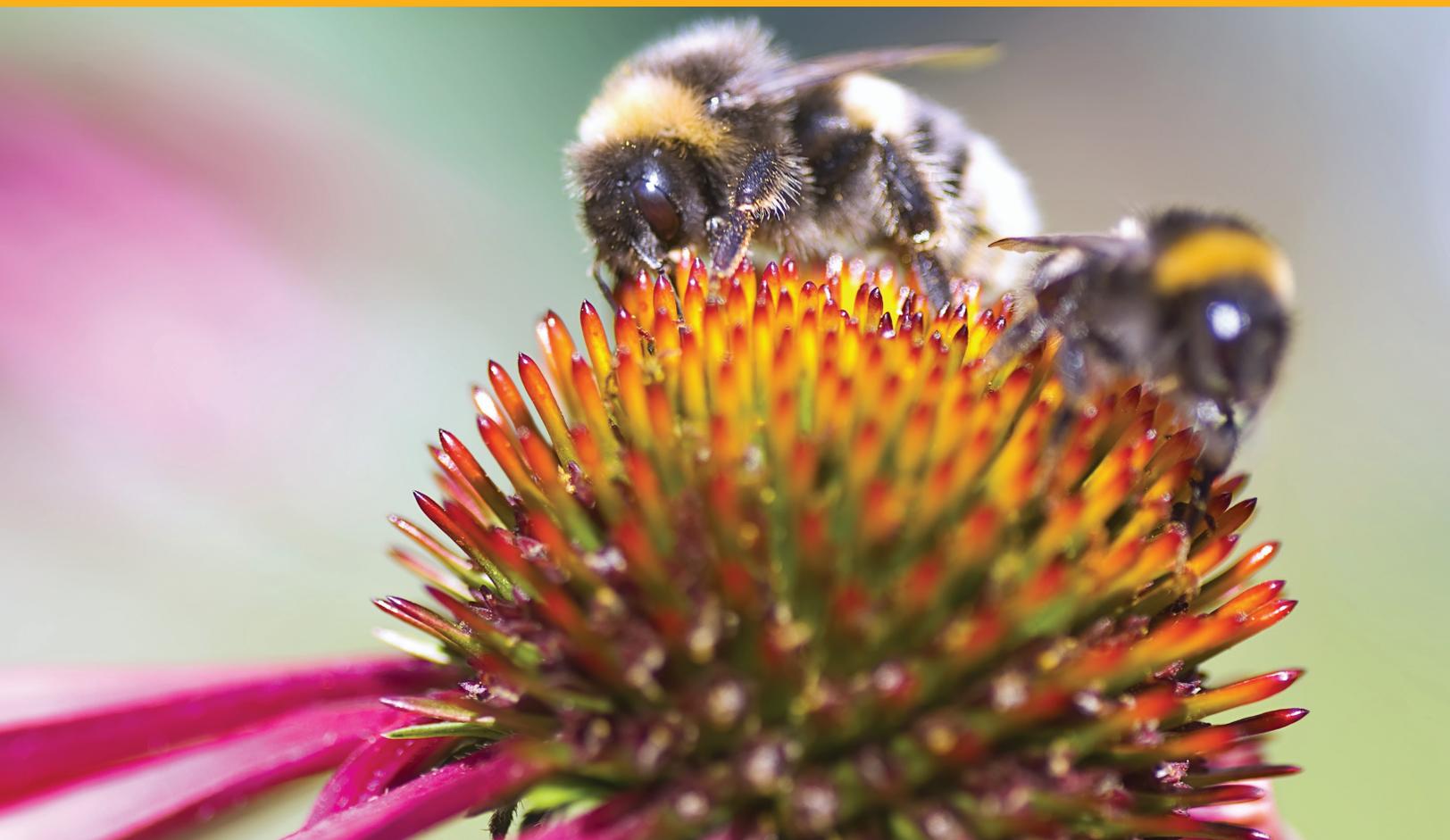
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