

In re: Prospect Mortg., 2017 CFPB 0006 (Jan. 31, 2017).

In re: RGC Serv. Inc., 2017 CFPB 0009 (Jan. 31, 2017).

In re: Willamette Legacy, LLC, 2017 CFPB 0008 (Jan. 31, 2017).

In re: Planet HomeLending, LLC, 2017 CFPB 0007 (Jan. 31, 2017).

RESPA Section 8 (c)(2) permits payments for services actually provided or for goods or facilities actually furnished provided that payment bears a reasonable relationship to the fair market value of the goods or services provided.

12 U.S.C § 2607(c)(2)

MSAs

Properly Structured MSA:

- Not based on referrals; rather, fair market value of marketing services provided
- Should be for indirect marketing (posters, flyers); should not require direct marketing to consumers

Leads

- Selling leads is permissible so long as it is literally a consumer's contact information.
- The more the entity selling the leads affirmatively influences the selection of a service provider, the more likely there is a RESPA violation.

Desk Rentals

- Permissible so long as the cost is the fair market value of cost for renting space.

New RESPA Issues

- Salespeople must comply with consent order, not just broker
- Discussion of third-party advertising websites

Resources

- **RESPA page on nar.realtor**
 - <https://www.nar.realtor/topics/real-estate-settlement-procedures-act-respa>
- **RESPA FAQ**
 - <https://www.nar.realtor/topics/real-estate-settlement-procedures-act-respa/respa-faq>
- **Dos and Don'ts for Co-marketing**
 - <http://narfocus.com/billdatabase/clientfiles/172/4/2855.pdf>
- **RESPA products for sale:**
 - **RESPA Do's Don'ts for MSAs**
 - <https://store.realtor.org/product/brochure/respa-do-s-and-don-ts-msas?sku=126-123>
 - **Complying with RESPA**
 - <https://store.realtor.org/product/brochure/respa-guide-complying-real-estate-settlement-procedures-act-download?sku=E126-110>