



441 G St. N.W.
Washington, DC 20548

B-332823

January 5, 2021

The Honorable Mike Crapo
Chairman
The Honorable Sherrod Brown
Ranking Member
Committee on Banking, Housing, and Urban Affairs
United States Senate

The Honorable Maxine Waters
Chairwoman
The Honorable Patrick McHenry
Ranking Member
Committee on Financial Services
House of Representatives

Subject: *Federal Housing Finance Agency: 2021 Enterprise Housing Goals*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Federal Housing Finance Agency (FHFA) entitled “2021 Enterprise Housing Goals” (RIN: 2590-AB04). We received the rule on December 17, 2020. It was published in the *Federal Register* as a final rule on December 21, 2020. 85 Fed. Reg. 82881. The effective date of the rule is February 19, 2021.

According to FHFA, the final rule contains the 2021 housing goals for Fannie Mae and Freddie Mac (the Enterprises). FHFA stated the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, Pub. L. No. 102-550, title XIII, 106 Stat. 3941 (Oct. 28, 1992), requires it to establish annual housing goals for mortgages purchased by the Enterprises. The agency further stated the housing goals include separate categories for single family and multi-family mortgages on housing that is affordable to low-income and very low-income families, among other categories. FHFA also stated the final rule establishes benchmark levels for each of the housing goals for 2021.

The Congressional Review Act (CRA) requires a 60-day delay in the effective date of a major rule from the date of publication in the *Federal Register* or receipt of the rule by Congress, whichever is later. 5 U.S.C. § 801(a)(3)(A). The House of Representatives received the final rule on December 28, 2020. 166 Cong. Rec. H9175 (daily ed. Dec. 31, 2020). The *Congressional Record* does not indicate when the Senate received the final rule. The final rule was published on December 21, 2020. 85 Fed. Reg. 82881. The final rule has a stated effective date of February 19, 2021. Therefore, based on the later receipt date of December 28, 2020, the final rule does not have the required 60-day delay in its effective date.

Enclosed is our assessment of FHFA's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. If you have any questions about this report or wish to contact GAO officials responsible for the evaluation work relating to the subject matter of the rule, please contact Shari Brewster, Assistant General Counsel, at (202) 512-6398.

A handwritten signature in black ink that reads "Shirley A. Jones". The signature is written in a cursive, flowing style.

Shirley A. Jones
Managing Associate General Counsel

Enclosure

cc: Alfred M. Pollard
General Counsel
Federal Housing Finance Agency

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
FEDERAL HOUSING FINANCE AGENCY
ENTITLED
“2021 ENTERPRISE HOUSING GOALS”
(RIN: 2590-AB04)

(i) Cost-benefit analysis

The Federal Housing Finance Agency (FHFA) did not discuss the costs and benefits of the final rule. In its submission to us, the agency indicated that it considered preparation of an analysis of the costs and benefits of this final rule to be not applicable.

(ii) Agency actions relevant to the Regulatory Flexibility Act (RFA), 5 U.S.C. §§ 603-605, 607, and 609

FHFA certified the final rule will not have a significant economic impact on a substantial number of small entities.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532-1535

As an independent regulatory agency, FHFA is not subject to the Act.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*

On August 13, 2020, FHFA published a proposed rule. 85 Fed. Reg. 49312. FHFA received 15 comment letters on the proposed rule, including four letters from policy advocacy organizations; six letters from trade associations representing lenders, home builders, credit unions, and other housing market participants; three letters from individuals; one letter from Fannie Mae; and one letter from Freddie Mac. FHFA addressed the comments in the final rule.

Paperwork Reduction Act (PRA), 44 U.S.C. §§ 3501-3520

FHFA determined the final rule does not contain any information collection requirements subject to the Act.

Statutory authorization for the rule

FHFA promulgated the final rule pursuant to sections 4511, 4513, and 4526 of title 12, United States Code.

Executive Order No. 12866 (Regulatory Planning and Review)

As an independent regulatory agency, FHFA is not subject to the Order.

Executive Order No. 13132 (Federalism)

As an independent regulatory agency, FHFA is not subject to the Order.