Concerns with Title Fee Disclosures

The Problem - When both a loan and owner’s title insurance policies will be purchased in a transaction (called “simultaneous issuance”) the TRID requires the lender or settlement agent to inaccurately disclose the title premiums on the Closing Disclosure.

Why is this a problem? – In roughly half the states, a consumer is entitled to discount on loan title insurance policy when an owner’s policy will be simultaneously issued.

How does the Rule handle:

• Regardless of lower, actual simultaneous issue rate for Lender’s Policy (LTP), pricing to be shown at full rate (even on CD)
• If an Owner’s Policy (OTP) is also purchased, rate shown for OTP is in accordance with CFPB formula – again, not the actual rate charged

Why does this matter? – Consumers will not know actual costs of their title insurance premiums

• More difficult for consumers to comparison shop
• Usefulness of state-developed comparison tools will be impacted
### The Rule

OTP Disclosure = (OTP Premium) + (LTP Simultaneous Premium) - (Full LTP Premium)

LTP on Closing Disclosure = Full LTP Premium (with no discounts for Simultaneous Issue)

### Reality

OTP Actually Charged = OTP Premium

LTP Actually Charged = LTP Simultaneous Premium

Here is how the rule works when applied to a transaction in **Michigan** where the sales price is $200,000 and there is a $190,000 loan:

OTP on Closing Disclosure = $953.78
  (OTP Premium) $1,084.25
  (LTP Simultaneous Premium) + $521.88
  (Full LTP Premium) - $652.35

LTP on Closing Disclosure = $652.35

OTP Actually Charged = $1,084.25

LTP Actually Charged = $521.88

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**Terminology Key:**
- **OTP:** Owner’s Title Insurance Policy
- **LTP:** Lender’s Title Insurance Policy

**LTP Simultaneous Premium:** a discounted lender’s title insurance premium that is issued in accordance to promulgated state rates or insurance company filed rates when both a lender’s and owner's title insurance policies are simultaneously issued.