



Diversity Briefing

AMERICAN MORTGAGE DIVERSITY COUNCIL | SPRING 2019 EDITION



HUD Accuses Facebook of Violating Fair Housing Act

The U.S. Department of Housing and Urban Development (HUD) announced that they were filing a formal complaint against Facebook for violating the Fair Housing Act by allowing landlords and homesellers to use its advertising platform to engage in housing discrimination.

HUD claims Facebook enables advertisers to control which users receive housing-related ads based upon the recipient's race, color, religion, sex, familial status, national origin, disability, and/or zip code. HUD alleges that Facebook then invites advertisers to express unlawful preferences by offering discriminatory options, allowing them to effectively limit housing options for these protected classes under the guise of "targeted advertising."

"The Fair Housing Act prohibits housing discrimination including those who might limit or deny housing options with a click of a mouse," said Anna María Farías, HUD's Assistant Secretary

for Fair Housing and Equal Opportunity. "When Facebook uses the vast amount of personal data it collects to help advertisers to discriminate, it's the same as slamming the door in someone's face."

The Fair Housing Act prohibits discrimination in housing transactions including print and online advertisement on the basis of race, color, national origin, religion, sex, disability, or familial status. HUD's Secretary-initiated complaint follows the Department's investigation into Facebook's advertising platform, which includes targeting tools that enable advertisers to filter prospective tenants or homebuyers based on these protected classes.

HUD's complaint alleges that Facebook's platform violates the Fair Housing Act by enabling advertisers to, among other things:

- » display housing ads either only to men or women;
- » not show ads to Facebook users interested

in an "assistance dog," "mobility scooter," "accessibility," or "deaf culture;"

- » not show ads to users whom Facebook categorizes as interested in "child care" or "parenting," or show ads only to users with children above a specified age;
- » display/not display ads to users whom Facebook categorizes as interested in a particular place of worship, religion, or tenet, such as the "Christian Church," "Sikhism," "Hinduism," or the "Bible;"
- » not show ads to users whom Facebook categorizes as interested in "Latin America," "Canada," "Southeast Asia," "China," "Honduras," or "Somalia;"
- » draw a red line around ZIP codes and then not display ads to Facebook users who live in specific zip codes.

HUD also claims that Facebook promotes its advertising targeting platform for housing purposes with "success stories" for finding "the perfect homeowners," "reaching home buyers," "attracting renters," and "personalizing property ads."

In addition, the U.S. Attorney for the Southern District of New York filed a statement of interest, joined in by HUD, in U.S. District Court on behalf of a number of private litigants challenging Facebook's advertising platform.

This isn't the first time critics have leveled complaints at Facebook's ad practices. In 2017, ProPublica purchased dozens of rental housing ads on the site but specifically requested that they not be shown to a variety of groups protected under the federal Fair Housing Act. That act makes it illegal to run ads that indicate "any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin."

The ads targeted men and women, aged 18-65, living in New York City, and highlighted categories such as "first-time buyer," "house hunting," and "buying a house." However, ProPublica requested that their Facebook ads exclude a wide variety of groups, including "African-Americans, mothers of high school kids, people interested in wheelchair ramps, Jews, expats from Argentina, and Spanish speakers." According to ProPublica, all of the ads were approved by Facebook—most of them in five minutes or less.



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FROM THE CHAIR

On May 8, 2019, I and many other AMDC Members had the pleasure of participating and speaking at the 2019 Five Star Diversity Symposium. The event brought together many subject-matter experts providing information on a number of emerging topics in diversity and inclusion, but more than that, it reinforced our industry's commitment to ensuring that inclusionary practices are not merely window dressing for our organizations but are embedded in the core of our corporate cultures and shape all of our business practices. Participating in the Diversity Symposium also reinforced the sense of gratitude that I feel to be able to work alongside our dedicated membership to promote this vital cause.

The past few months have also seen several important regulatory and legislative developments which will be of interest to our membership and the industry at large. Read on for more details.



Sincerely,

Kathy Cummings

SVP; Homeownership Solutions and Affordable Housing Programs, Bank of America; Chair, American Mortgage Diversity Council

Kathy Cummings leads the Homeownership Solutions and Affordable Housing Programs team for Bank of America Home Loans Neighborhood Lending organization. Cummings assists in identifying and making available affordable housing programs offered by Housing Finance Agencies, local governments, and nonprofits across the country. Additionally, she is responsible for managing non-profit strategic relationships and Bank of America's Connect to Own® fee for service program offering.

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Advancing Diversity and Inclusion in the Mortgage Industry

In May, the Five Star Institute hosted the Five Star Diversity Symposium in Dallas, Texas. The event was a day-long event focused on advancing the conversation on diversity within the mortgage industry, and featured keynote addresses from industry leaders as well as panel discussions.

The Symposium featured presentations from Charmaine Brown, Director in the Office of Minority and Women Inclusion at Fannie Mae; Lori A. Trawinski, Director, Financial Security Team at the AARP Public Policy Institute; Five Star President and CEO Ed Delgado; and many more.

Sheri Crosby Wheeler, VP Corporate Social Responsibility at Mr. Cooper, kicked off the day with a presentation titled “Disrupting Diversity & Inclusion: New Strategies, Initiatives, and Technologies to Take Your Efforts to the Next Level.” Afterward, Lola Oyewole, HR Leader for U.S. Operations and Global Chief Diversity Officer at Ocwen Financial Corporation, moderated a panel on “Retaining and Advancing

Underrepresented Talent,” featuring panel members including Caren Castle, Senior Attorney, The Wolf Firm.

“I think it is important for diversity practitioners, and those for which diversity and inclusion is a strategic business objective, to come together and learn from each other different and new ways to advance diversity and inclusion in the workplace and the marketplace,” Wheeler said. “I hope to gain new knowledge that I can take back to Mr. Cooper and implement in our company-wide diversity and inclusion efforts.”

“Raising consciousness around diversity in the workplace continues to be an important issue,” Castle said. “I’m excited about attending the Symposium to learn from the experts about the many ways to increase diversity and decrease bias, whether conscious or unconscious, which I believe then improves not only the workplace but our overall lives.”

After a break, Charmaine Brown moderated a panel titled “Navigating Intersectionality.” Brown spoke on the shifting tides of diversity in business.

“There is now an expectation that leaders demonstrate their commitment to diversity and inclusion as it has become more normalized in business,” Brown said. “The Symposium offers the opportunity to engage with leaders on relevant issues that, quite frankly, are a result of the progress we’ve made, particularly in terms of diversity. I hope to go deeper, expand the conversation to recognize it’s broader than race, gender, etc., and to learn from participants about what’s working in their organizations and where we can do better.”

The day’s keynote address, titled “Bridging Generational Gaps and Hidden Threat of Ageism,” was presented by Kathy Cummings, SVP Homeownership Solutions and Affordable Housing Programs for Bank of America, joined by Dr. Lori A. Trawinski, Director, Banking and Finance, Financial Security Team, AARP Public Policy Institute. Following the keynote, Michael Ruiz, Director, Supplier Diversity, Fannie Mae, moderated a panel on “Creating and Calculating a Diverse Supply Chain”

This year’s event was sponsored by Fannie Mae, the American Mortgage Diversity Council, and Ocwen.



House of Representatives Passes Equality Act

The U.S. House of Representatives passed the Equality Act by a vote of 236-173. The act is intended to approximate current state anti-discrimination laws on a national level, providing a blanket of protection against discrimination throughout the country, adding protections against LGBT discrimination into the federal civil rights law.

“The question before us is not whether the LGBTQ community faces outrageous and immoral discrimination, for the record shows that it clearly does,” said Rep. Jerrold Nadler of New York, the Chairman of the Judiciary Committee. “The question is whether we, as Congress, are willing to take action to do something about it. The answer goes straight to the heart of who we want to be as a country—and today, that answer must be a resounding ‘yes.’”

The bill adds protections for LGBTQ people from discrimination in housing, the workplace, public accommodations, and other settings by identifying them as a protected class for the purposes of enforcement under the Civil Rights Act of 1964.

“Despite significant advances, LGBT people across the country remain vulnerable to discrimination on a daily basis and too often have little recourse,” said Rep. David Cicilline (D-Rhode Island), the lead sponsor of the bill. “It is past time for the Equality Act to be written into law.”

A Different Approach

The act faces an uphill battle in the Republican-controlled Senate but some in the legislative body are working to address issues. Earlier this month, Maine Senators Susan Collins and Angus King joined with Virginia Senator Tim Kaine in promoting the Fair and Equal Housing Act of 2019. The legislation is intended to add gender identity and sexual orientation to the classes protected from discrimination by the Fair Housing Act.

“All Americans deserve a fair and equal opportunity in the sale, rental, or financing of housing,” said Sen. Collins. “Throughout my Senate service, I have worked to end discrimination against LGBTQ Americans, and it is time we ensure that all people have full access to housing regardless of their sexual orientation or gender identity. I urge our colleagues to join us in supporting this important legislation.”

“Safe and affordable housing is the basic building block for all Americans seeking to achieve economic, educational, and personal success,” said Sen. King. “No one should be denied access to this vital resource because of who they are—but unfortunately, under current law there are no protections from discrimination based on sexual orientation or gender identity. This is wrong, plain and simple.

We need this legislation to make sure LGBTQ Americans have the same access to housing as anyone else.”

The Fair Housing Act has been subjected to interpretation and application to the LGBTQ community in recent months. In August 2018, the U.S. Court of Appeals for the Seventh Circuit ruled that landlords could be held liable for harassment if they failed to respond to harassment faced by tenants who belong to a protected class. In its ruling, the three-member panel of judges said that not only did the Fair Housing Act create liability when a landlord intentionally discriminated against a tenant based on a protected characteristic, but “it also creates liability against a landlord that has actual notice of tenant-on-tenant harassment based on a protected status, yet chooses not to take any reasonable steps within its control to stop that harassment.”

Recognizing the need for the mortgage industry to conduct further outreach to the LGBTQ community for the purpose of educating on current opportunities for homeownership and being educated on emerging issues and concerns, the American Mortgage Diversity Council (AMDC) conducted a series of four discussions in strategically selected locations across the country. Each meeting was attended by mortgage industry executives and senior leaders from local advocacy organizations provide services for the LGBTQ communities within their respective communities. Those meetings eventually led to the publication of a white paper on the topic.



Unconscious Bias: When a Seat at the Table Isn't Enough

As New York politician Shirley Chisolm once said, "If they don't get you a seat at the table, bring a folding chair." Chisolm lived those words. In 1968, she became the first black woman elected to the U.S. Congress, and she held the seat for seven terms. In 1972, she became the first black candidate for a major party's nomination for President of the United States and the first woman to run for the Democratic Party's presidential nomination.

Great lessons can be learned from Chisolm, especially for female and minority mortgage professionals who are attempting to climb the corporate ladder into positions of leadership. However, once these groups achieve a C-level position or a seat at the management table, the professional challenges continue.

Women and minorities in positions of leadership often face unconscious bias. Not only can this be difficult for the individual, but it can also make the management team less effective. However, there are ways to combat unconscious bias that have the impact of limiting the personal potential of women as well as of minorities. These strategies are not only effective, but can also foster a greater diversity of opinion in organizations, which helps companies perform better. The key is understanding how and why they work and when to use them.

Dealing With Unconscious Bias

Most people who experience unconscious bias know it when they see it. We asked women about this at Computershare's inaugural Women4Women Summit, where employees

were invited to help inspire, engage, and empower the women of Computershare. Summit attendees were asked if they'd ever experienced unconscious bias in their career. Only 8 percent said no, while 19 percent were unsure. Nearly three-quarters of attendees said yes.

Company meetings are one place in which bias, intentional or unintentional, is often revealed. An example of this would be when one person speaks over or interrupts another person or ignores that person's contributions to the discussion.

These are also known as microaggressions, a form of marginalization that is generally defined as a statement or action that is seen as indirect, subtle, or unintentional discrimination against members of a marginalized group, such as women or ethnic minorities. When this happens to you, these behaviors are interpreted as, "I am not respected and my ideas are not valued."

Microaggressions can be challenging to spot. Any one of us can do something unintentionally, however small, that may be interpreted as a slight. At the Women4Women Summit, 75 women were asked whether it was worse to have someone disagree with you or to be marginalized. Each one said being marginalized was worse. You don't have to be female to be on the receiving end of microaggressions. When we are interrupted or ignored, it's hard to feel valued.

Using a One-Two Punch to Deflate Bias

Removing bias in the workplace is everyone's responsibility, especially among a

company's leadership.

One useful strategy for combating the microaggression in the meeting example is to reconnect with the speaker. The key to this strategy is to be aware of the behavior, and when one person is being ignored, to bring the conversation back to the person by saying, "Getting back to what Mary said about ..." This puts the focus back on the individual who was interrupted and allows the group to discuss the idea further.

When microaggressions repeatedly occur in meetings, planning ahead can help. Socializing the idea with others ahead of time can make for a smoother group discussion. This helps to ensure you have considered all objections and points of view before engaging in the larger conversation.

The amazing thing about reconnecting back to the speaker and similar strategies is that they work not just in the moment, but over the long term as well. In time, the dynamic of the group will start to change. Other people will start paying attention to new voices and ideas, and a new "norm" will be created within the group. All people will feel welcome and included.

Promoting Diversity From Above

Once you have made it to the C-suite, there are many ways to support the advancement of diversity and inclusion within your organization. One way is to take an active approach to elevate the careers of others by helping them find their next opportunity.

For example, if there is another woman or minority in your office with great leadership potential, you can advocate on his or her behalf, such as offering his or her name and expertise in a particular area. Helping other women and minorities gain visibility within the C-suite can be an effective technique. If you find yourself in a leadership role, invite and include diverse team members with potential in your meetings with executives, where they can be seen and heard. If you are unable to attend a meeting, send someone on your behalf to expand their network and knowledge.

Succession planning and identifying high potential, diverse candidates at the management level are other ways to increase diversity and promote more inclusion in leadership roles. One of the best tools for assessing a team is the Nine Box Matrix. The Nine Box is essentially a grid of nine squares that a company's leaders or managers complete to evaluate a specific level of the organization, typically supervisors or managers. Each candidate is evaluated based on a number of questions. Examples may include: Are they excelling in their career? Is there anything they need to learn? Do they have high potential to take the next level position? Are they struggling?

The key to doing the Nine Box successfully is for all managers to perform this evaluation regularly, perhaps quarterly or semi-annually. In a large organization, the Nine Box exercise

provides visibility to those being assessed. For example, let's say Mary is a supervisor. Some managers may know who Mary is, or may see her in the hallway, but they don't truly know her, her performance, or her potential. As a result, if she is a prospective candidate, other managers may not know enough about her to recommend promoting her.

In a company that regularly uses the Nine Box Matrix, however, all the managers will know who Mary is, what she can do and what she is capable of doing. The Nine Box tool ensures that women and minority supervisors receive equal exposure to and attention from managers, so they are better known to hiring managers. Essentially, the Nine Box Matrix helps create a culture of proactive cross-pollination, which results in a more level playing field, a more valuable workforce, and a stronger management team.

Finally, networking remains one of the most significant ways to help other women and minorities advance within the organization. Company mentorship programs can help women and minorities access training

and other resources that can help them develop into future leaders.

The Importance of Seizing Initiative

As Shirley Chisolm taught us, women and minorities who desire to lead must take action. People with great leadership potential cannot wait around for someone to notice them. If you aspire to be a leader, you need the opportunity to lead when you can.

One of the best ways to do this is by leading meetings. If a meeting needs to be held, be the one to schedule it, and then run it like a pro. If this idea sounds intimidating, one strategy that can help is reaching out to other managers before a meeting to discuss the issues they're concerned with and what their thoughts are on the topic. Once you've made these connections ahead of time, it can make it much easier to run meetings and to ensure everyone with a voice at the table is heard.

One of the biggest challenges with running any meeting is sticking to the agenda and keeping everyone on task. If someone starts to take the discussion off topic, one valuable tactic is to

acknowledge that what they are saying is valid, but say, "let's make sure to address that during our next meeting." You have to be assertive to do this, but you will generally find that most people will appreciate your effort to keep things focused.

Women and minorities continue to face challenges even as they ascend the corporate ladder, but anyone who wants to be a successful leader must be persistent and willing to take chances. Hockey great Wayne Gretzky once said, "you miss 100 percent of the shots you never take." I cannot emphasize enough how important it is to keep taking shots and to encourage your colleagues to do the same. You, your career, and your organization will be so much better for it.



Debora Aydelotte is the COO of Credit Risk Solutions, a Denver-based provider of consultative residential mortgage fulfillment and due diligence services. Aydelotte is a recognized expert and leader in executive diversity and inclusion practices.

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News and Notes on Our Membership as They Lead the Industry



U.S. Bank is the “World’s Most Admired Company”

AMDC Member U.S. Bank, the country’s fifth-largest commercial bank, has been recognized as a 2019 World’s Most Admired Company by Fortune magazine. The bank was listed as the world’s most admired superregional bank for the ninth consecutive year.

The companies on this list are determined by a survey of executives, directors, and analysts, rating companies in their industry based on a series of criteria.

Among superregional banks, Fortune ranked U.S. Bank as No. 1 in eight of the nine key attributes. They included quality of management, community responsibility, innovation, quality of products/services, people management, use of corporate assets, financial soundness, and long-term investment value.

The bank was also ranked among the Top 10 most admired companies for its community responsibility and its financial soundness. Of the 680 companies ranked by Fortune across all industries, U.S. Bank was ranked eighth and ninth on these parameters, respectively.

“Ethical leadership and financial discipline are core to how we create value for our stakeholders,” said Andy Cecere, President and CEO of U.S. Bancorp. “We are honored to be recognized among companies that are known for shaping the future with those principles in mind. These core principles help us meet the needs of our customers, employees, shareholders, and communities every day.”

This isn’t the first award for the bank, which has won a number of accolades over the years for its diversity and inclusion initiatives. Over the past 30 years, the bank has invested more than \$9.4 billion in helping to build affordable housing in all 50 states, particularly for people of color, veterans, and homeless individuals. The bank was also recognized in 2018 as the best employer for Diversity by Forbes and while 60 percent of its workforce at the end of 2017

was made up of women, it also employs around 2,000 military veterans.

With 74,000 employees and \$467 billion in assets as of December 31, 2018, U.S. Bancorp is the parent company of U.S. Bank. The Minneapolis-based bank was recognized by the Ethisphere Institute as 2018’s World’s Most Ethical Company for its commitment towards serving retail, business, wealth management, payment, commercial and corporate, and investment services customers across the country and around the world as a trusted financial partner.



Bank of America Pushes Affordable Homeownership

On the heels of its recent \$5 billion commitment to help more than 20,000 individuals and families buy a home, Bank of America is offering a \$0 Lender Origination Fee for clients who close an FHA, VA, Affordable Loan Solution, or Freddie Mac Home Possible mortgage with the bank.

This offer is available on first mortgage applications taken between April 15 and October 31, 2019. To reduce upfront costs further, Bank of America said that the limited time offer can be combined with:

- » America’s Home Grant program: This program has been expanded and now offers a lender credit of up to \$7,500 that can be used towards nonrecurring closing costs, like title insurance and recording fees, or to permanently buy down the interest rate. The funds, which do not require repayment, are available in 39 markets today and will soon be nationwide.
- » Affordable Loan Solution mortgage: This fixed-rate loan for low- and moderate-income borrowers offers a competitive rate with a down payment as low as 3% and no mortgage insurance. Today, 90% of these loans are to first-time homebuyers.

- » Freddie Mac Home Possible mortgage: This is a fixed-rate loan with a down payment as low as 3% and lower-cost mortgage insurance.
- » Down payment and cost savings programs offered by state and local agencies, nonprofits, and employers.

Recently, Bank of America had announced a \$5 billion Affordable Homeownership Initiative that is aimed at helping more than 20,000 individuals in low- and moderate-income communities realize their goal of homeownership.

“We know many of our clients want the power to own their first home, which can sometimes be challenging. One of the ways we’re helping is through our suite of affordable homeownership solutions and professional resources, which aid them in overcoming barriers and put sustainable homeownership within reach,” said Steve Boland, Head of Consumer Banking at Bank of America.

The company will commit this additional \$5 billion over the next five years to its Bank of America Neighborhood Solutions program.



Companies Partner to Complete eClosings

AMDC member First American Title Insurance Company, a provider of title insurance and settlement services and a subsidiary of First American Financial Corporation, and Taylor Morrison Home Corporation, a national homebuilder and developer, through Taylor Morrison Home Funding, announced they have completed 500 hybrid eClosings using First American’s eClosing solution. The hybrid eClosings took place in Arizona, California, Colorado, Florida, and Texas.

First American’s eClosing solution is part of the company’s efforts to help transform real estate settlement, enhancing the digital home buying and mortgage experience for consumers. In a hybrid eClosing, home buyers can review and eSign many real estate transaction closing documents from a computer at home or on a mobile device in advance of the closing appointment, while some documents must be wet signed in person at the appointment.



Diversity Briefing

AMERICAN MORTGAGE DIVERSITY COUNCIL

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ONE SIZE DOES NOT FIT ALL

Although progress has been made toward ensuring that the workplace is not oppressive towards LGBTQ employees, there is much work to be done in order to achieve full inclusion. In consultation with local LGBTQ communities, the American Mortgage Diversity Council published a series of eleven recommendations for making your organization more LGBTQ friendly.

TOP THREE RECOMMENDATIONS FOR GROWING LGBTQ WORKPLACE INCLUSION

#1

Train new hires in your non-discrimination policy specifically alluding to sexual orientation and gender identity.

#2

Develop a specialized internship program that targets transgender employees who show an aptitude and interest in building a career in mortgage banking.

#3

Implement executive succession plans that emphasize the development and promotion of LGBTQ executives.

WORK TOWARD REAL SOLUTIONS

Get the rest of the recommendations at mortgagediversitycouncil.com/lgbtq-issues

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