



## Mortgages Arrears

### Inability to Meet Mortgage Repayments

Where a complaint relates to a mortgage arrears situation with a Provider and a proposal has been made by a Complainant to the Provider with regard to the mortgage repayment obligations, which the Provider has rejected, mortgage holders should be aware of the limitations of the jurisdiction of the Financial Services Ombudsman.

In relation to *Mortgage Arrears Resolution Process (MARP)* complaints, where issues of sustainability/repayment capacity are in dispute, the Financial Services Ombudsman is only in a position to investigate a complaint as to whether the Provider, in handling a mortgage arrears issue, correctly adhered to its obligations pursuant to the Central Bank's *Code of Conduct on Mortgage Arrears (CCMA)*.

The Financial Services Ombudsman can investigate the procedures undertaken by the Provider regarding the MARP process, but will **not** investigate the details of any re-negotiation of the commercial terms of a mortgage which is a matter between the Provider and the customer, and does not involve this Office as an impartial adjudicator of complaints. The Financial Services Ombudsman will not interfere with the commercial discretion of a financial service provider, unless the conduct complained of is unreasonable, unjust, oppressive or improperly discriminatory in its application to a Complainant, within the meaning of Section 57 CI (2) (b) of the *Central Bank and Financial Services Authority of Ireland Act 2004*.

Mortgage holders may however wish to contact any of the following:

1. Money Advice Budgeting Service (MABS) at [www.mabs.ie](http://www.mabs.ie) or by helpline to 0761 07 2000 or email [helpline@mabs.ie](mailto:helpline@mabs.ie)
2. Your solicitor or your local Free Legal Aid Centre (FLAC) [www.flac.ie](http://www.flac.ie)
3. The Citizens Information Board (CIB), which operates a [Mortgage Arrears Information Helpline](#), to provide information and signposting in relation to the *Code of Conduct on Mortgage Arrears* and the supports available for those in mortgage arrears or pre-arrears.
4. The CIB Helpline is provided for callers with mortgages on residential property only. The Helpline is being promoted in conjunction with the *Keepingyourhome.ie* website.

*Keepingyourhome.ie* has been designated by the Government as the key online resource for general mortgage information. The Helpline will offer independent, confidential and high-quality information to borrowers in mortgage arrears or at pre-arrears stage and is available from Monday to Friday 9.30am – 5pm. The telephone number is: 0761 07 4050.

The website of the **Central Bank of Ireland** also offers the following advice:

*"if you are already behind with your mortgage repayments or feel you may shortly have difficulties meeting your mortgage repayments, it is very important that you contact your lender as soon as possible to discuss your situation. Discussing your mortgage repayment problems as early as possible will help in reaching a solution. Any delay in contacting your lender may result in your mortgage arrears situation becoming worse than it would have been otherwise.*

*Your lender has procedures in place to deal with your case and find an appropriate solution for your circumstances under the "Mortgage Arrears Resolution Process".*

*You can get more information on this process in the Code of Conduct on Mortgage Arrears and in the "Mortgage Arrears Resolution Process" (MARP) booklet which your lender must have available for you. The booklet is an information document which explains how your lender is required to deal with customers in mortgage arrears or customers who are experiencing difficulty keeping up repayments on their mortgage. Your lender must give a copy of this booklet to you. Your lender will also have a copy of this booklet on their website".*

Please read ["Mortgage Arrears: Frequently Asked Questions" by the Central Bank](#) for more information of the process.

Mortgages Arrears Resolutions Process (MARP) - If your complaint relates to the conduct of your Bank with regard to arrears on your mortgage, please note that the Bureau cannot proceed to examine your complaint until such time as you have exhausted the Bank's internal MARP.

Your letter from the Bank confirming that you have exhausted the internal MARP can be submitted as your referral letter required by this office. Full information on MARP can be found at [www.centralbank.ie](http://www.centralbank.ie)