

RESCINDED

Home Mortgage Disclosure Act Questionnaire

This document and any attachments are superseded by
Comptroller's Handbook - Consumer Compliance - Home
Mortgage Disclosure.

Applicability

Depository Institutions

1. Is the depository institution a bank, savings association, or credit union that originated in the preceding calendar year at least one home purchase loan (or refinancing of a home purchase loan) secured by a first lien on a one- to four-family dwelling? (§203.2(e)(1)(iii))
2. Does the depository institution meet at least one of the criteria below?
 - The depository institution is a federally insured or regulated institution (§ 203.2(e)(1)(iv)(A)).
 - The depository institution originated a mortgage loan (reference checklist question #1) that was insured, guaranteed, or supplemented by a federal agency (§ 203.2(e)(1)(iv)(B)).
 - The depository institution originated a mortgage loan (reference checklist question #1) intending to sell it to Fannie Mae or Freddie Mac (§ 203.2(e)(1)(iv)(C)).
3. Did the depository institution have either a home or branch office in an MSA on December 31 of the preceding calendar year (§ 203.2(e)(1)(ii))?
4. On the preceding December 31 did the depository institution have assets in excess of the asset threshold that is adjusted annually and published annually by the Federal Reserve Board (§ 203.2(e)(1)(i))?

If the answers to checklist Nos. 1 through 4 are “Yes”, then the depository institution is subject to the requirements of HMDA and Regulation C, and the examiner should complete the remaining portion of the checklist.

Nondepository Institutions

5. Is the depository institution a majority owner of a for-profit mortgage subsidiary?
If the answer to No. 5 is “Yes”, then complete Nos. 6 through 8; otherwise proceed to No. 9.
6. In the preceding calendar year, did the mortgage subsidiary either:
 - Originate home purchase loans or refinancings of home purchase loans that equaled at least 10 percent of its total loan-origination volume, measured in dollars (§ 203.2(e)(2)(i)(A))?

Exam Date: _____
Prepared By: _____
Reviewed By: _____
Docket #: _____

Home Mortgage Disclosure Act

Questionnaire

| | Yes | No |
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| <ul style="list-style-type: none"> • Originate home purchase loans or refinancings of home purchase loans that equaled at least \$25 million (§ 203.2(e)(2)(i)(B))? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Did the mortgage subsidiary have a home or branch office ⁵ in an MSA as of December 31 of the previous year (§ 203.2(e)(2)(ii))? And, | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Does the mortgage subsidiary meet at least one of the criteria below (§ 203.2(e)(2)(iii))? | | |
| <ul style="list-style-type: none"> • The mortgage subsidiary had total assets (when combined with the assets of the parent corporation) exceeding \$10 million on the previous December 31. | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • The mortgage subsidiary originated at least 100 home purchase loans (including refinancings of home purchase loans) in the preceding calendar year. | <input type="checkbox"/> | <input type="checkbox"/> |

If the answers to Nos. 6 through 8 are “Yes”, then the mortgage subsidiary is subject to the requirements of HMDA and Regulation C. If the depository institution that has a majority interest in the mortgage subsidiary is also subject to HMDA and Regulation C, then the examiner should complete a separate checklist for each entity beginning with No. 9 for the mortgage subsidiary. If the depository institution that has a majority interest in the mortgage subsidiary is not subject to Regulation C and HMDA, the examiner should use the remaining portion of this checklist for the mortgage subsidiary. The examiner should note to which financial institution the remaining checklist questions apply.

Compilation of Loan Data

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| 9. Does the financial institution collect the following data in accordance with section 203.4(a) and Appendix A? | | |
| <ul style="list-style-type: none"> • An identifying number (that does not include the applicant’s name or social security number) for the loan or loan application, and the date the institution received the application (§203.4(a)(1))? | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • The type of the loan or application (§203.4(a)(2))? | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • The purpose of the loan or application (§203.4(a)(3))? | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • Whether the application is for a preapproval and whether it resulted in a denial or an origination (§ 203.4(a)(4)). | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • The property type to which the loan or application relates (§ 203.4(a)(5))? | <input type="checkbox"/> | <input type="checkbox"/> |

⁵ A nondepository institution is deemed to have a branch office in an MSA or MD if, in the preceding calendar year, it received applications for, originated or purchased, five or more home purchase loans, home improvement loans, or refinancings in that MSA or MD.

Exam Date: _____
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 Reviewed By: _____
 Docket #: _____

Home Mortgage Disclosure Act

Questionnaire

| | Yes | No |
|---|--------------------------|--------------------------|
| • The owner-occupancy status of the property to which the loan or application relates (§ 203.4(a)(6))? | <input type="checkbox"/> | <input type="checkbox"/> |
| • The loan amount or the amount requested on the application (§203.4(a)(7))? | <input type="checkbox"/> | <input type="checkbox"/> |
| • The type of action taken (§ 203.4(a)(8))? | <input type="checkbox"/> | <input type="checkbox"/> |
| • The date of such action (§ 203.4(a)(8))? | <input type="checkbox"/> | <input type="checkbox"/> |
| • The location of the property to which the loan or application relates by (§ 203.4(a)(9)): | | |
| — MSA or MD number (5 digits)? | <input type="checkbox"/> | <input type="checkbox"/> |
| — State (2 digits)? | <input type="checkbox"/> | <input type="checkbox"/> |
| — County (3 digits)? | <input type="checkbox"/> | <input type="checkbox"/> |
| — Census tract number (6 digits)? | <input type="checkbox"/> | <input type="checkbox"/> |
| • The ethnicity and race of the applicant or borrower (§ 203.4(a)(10))? | <input type="checkbox"/> | <input type="checkbox"/> |
| • The ethnicity and race of the co-applicant or co-borrower (§ 203.4(a)(10))? | <input type="checkbox"/> | <input type="checkbox"/> |
| • The sex of the applicant or borrower (§ 203.4(a)(10))? | <input type="checkbox"/> | <input type="checkbox"/> |
| • The sex of the co-applicant or co-borrower (§ 203.4(a)(10))? | <input type="checkbox"/> | <input type="checkbox"/> |
| • The gross annual income relied on in processing the applicant's request (§ 203.4(a)(10))? | <input type="checkbox"/> | <input type="checkbox"/> |
| <p><i>Note: Collection of data concerning ethnicity, race, and sex is mandatory for all transactions unless the financial institution purchased the loans or the borrower is not a natural person (a corporation or partnership). Data on annual income is mandatory for all transactions unless the financial institution purchased the loan, the borrower is not a natural person, the loan is for a multi-family dwelling, income was not relied upon in the credit decision, or the loan is to an employee.</i></p> | | |
| • The type of entity purchasing a loan that the financial institution originates or purchases and then sells within the same calendar year (§ 203.4(a)(11))? | <input type="checkbox"/> | <input type="checkbox"/> |
| • For originated loans subject to Regulation Z, the difference between the loan's APR and the yield on Treasury securities having a comparable maturity period, if the APR equals the yield on the Treasury security with a comparable maturity period or exceeds it by 3 percentage points for first lien loans and 5 percentage points for subordinate lien loans (§ 203.4(a)(12)). | <input type="checkbox"/> | <input type="checkbox"/> |

Exam Date: _____
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Docket #: _____

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| | Yes | No |
|--|--------------------------|--------------------------|
| • Whether the loan is subject to the Home Ownership and Equity Protection Act (HOEPA) (§ 203.4(a)(13))? | <input type="checkbox"/> | <input type="checkbox"/> |
| • The lien status of the loan or application (§ 203.4(a)(14))? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Does the financial institution provide the reasons for denial of an application (§ 203.4(c)(1))? If yes, are the reasons accurate? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Does the institution update the HMDA-LAR within 30 calendar days after the end of the quarter in which final action is taken (§ 203.4(a))? | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Does the institution request ethnicity, race, and sex data for all telephone, mail, and Internet applications in accordance with Appendix B (§ 203.4(b)(1))? | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. For applications taken face-to-face, does the financial institution note data concerning ethnicity, race, and sex based on visual observation or surname if the applicant chooses not to provide this information (§ 203.4(b)(1))? | <input type="checkbox"/> | <input type="checkbox"/> |

Note: If the applicant fails to provide this information in mail, telephone, or Internet applications, the ethnicity, do not record race and sex; instead, use an applicable code number (ethnicity 3, race 6, and sex 3;) Do not use NA for these three situations.

Disclosure and Reporting

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| 12. Does the institution present the loan or applicant data in the format prescribed in Appendix A of the regulation (§ 203.4(a))? | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. Has the institution reported all applications for, originations of, and purchases of home-purchase loans, home-improvement loans, and refinancings (§ 203.4(a))? | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. Has the financial institution refrained from reporting: (§ 203.4(d)) | | |
| • Loans originated or purchased by the financial institution acting in a fiduciary capacity (such as trustee)? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Loans on unimproved land? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Temporary financing (such as a bridge or construction loan)? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Purchase of an interest in a pool of loans (such as mortgage-participation certificates, mortgage-backed securities, or real estate mortgage investment conduits)? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Purchase solely of the right to service loans? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Loans acquired as part of a merger or acquisition or as part of the acquisition of all assets and liabilities of a branch office? | <input type="checkbox"/> | <input type="checkbox"/> |

Exam Date: _____
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Docket #: _____

Home Mortgage Disclosure Act

Questionnaire

| | Yes | No |
|--|--------------------------|--------------------------|
| <ul style="list-style-type: none"> • A refinancing if, under the loan agreement, the financial institution is unconditionally obligated to refinance the obligation, or is obligated to refinance the obligation subject to conditions under the borrower's control (Appendix A, I.A.5a)? | <input type="checkbox"/> | <input type="checkbox"/> |
| 15. Did the financial institution submit its completed HMDA-LAR to the appropriate supervisory agency in automated machine-readable format by March 1 following the calendar year for which the data are compiled (§203.5(a))? | <input type="checkbox"/> | <input type="checkbox"/> |
| <p><i>Note: Financial institutions that report twenty-five or fewer entries on their HMDA-LAR may collect and report their HMDA data in a paper form. Any financial institution opting to submit its data in such a manner must send two copies that are typed or computer printed. The institution must use the format of the HMDA-LAR, but need not use the form itself.</i></p> | | |
| 16. Has an officer of the financial institution signed the HMDA-LAR transmittal sheet certifying the accuracy of the data contained in the register (Appendix A)? | <input type="checkbox"/> | <input type="checkbox"/> |
| 17. Is the transmittal sheet accurately completed (Appendix A)? | <input type="checkbox"/> | <input type="checkbox"/> |
| 18. Has the financial institution maintained its HMDA-LAR in its records for at least three years (§ 203.5(a))? | <input type="checkbox"/> | <input type="checkbox"/> |
| 19. Has the financial institution made its FFIEC prepared disclosure statement: | | |
| <ul style="list-style-type: none"> • Available to the public at its home office no later than three business days after receiving it from the FFIEC? AND • Available within ten business days in at least one branch office in each additional MSA or MD where the financial institution has offices; or posted the address for sending written requests in the lobby of each branch office in other MSAs or MDs where the institution has offices and delivered a copy of the disclosure statement within fifteen calendar days of receiving a written request (§203.5(b))? | <input type="checkbox"/> | <input type="checkbox"/> |
| 20. Has the financial institution made its modified HMDA-LAR (loan application number, date application received, and date action taken excluded from the data) for the preceding calendar year available to the public, by March 31 for requests received on or before March 1, and within 30 days for requests received after March 1 (§ 203.5(c))? | <input type="checkbox"/> | <input type="checkbox"/> |
| 21. Has the financial institution maintained its modified HMDA-LAR for three years? Does the financial institution have policies and procedures to ensure its modified HMDA-LAR is available to the public during that term (§ 203.5(d))? | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. Has the financial institution maintained its disclosure statement for 5 years (§ 203.5(d))? | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. Does the financial institution have policies and procedures to ensure its disclosure statement is available to the public during that term (§ 203.5(d))? | <input type="checkbox"/> | <input type="checkbox"/> |

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Questionnaire

| | Yes | No |
|--|--------------------------|--------------------------|
| 24. Does the financial institution make available the modified HMDA-LAR and disclosure statement for inspection and copying during the hours the office is normally open to the public for business? If it imposes a fee for costs incurred in providing or reproducing the data, is it reasonable (§ 203.5(d))? | <input type="checkbox"/> | <input type="checkbox"/> |
| 25. Has the financial institution posted a general notice about the availability of its disclosure statement in the lobby of its home office and in each branch office located in an MSA (§ 203.5(e))? | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. Does the institution provide promptly upon request the location of the institution's offices where the statement is available for inspection and copying, or include the location in the lobby notice (§ 203.5(e))? | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. Did errors occur in the previous reporting period? (Review the financial institution's last disclosure statement, HMDA-LAR, modified HMDA-LAR, and any applicable correspondence from the regulatory agency, such as notices of noncompliance.) | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. If errors did occur, has the financial institution taken appropriate steps to correct and prevent such errors in the future? | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • Has the institution provided individuals who are responsible for all data-entry: <ul style="list-style-type: none"> — Appropriate training in the completion of the HMDA-LAR? <input type="checkbox"/> <input type="checkbox"/> — Copies of Regulation C, including the instructions for completion of the HMDA-LAR, and the "A Guide to HMDA Reporting: Getting It Right!" <input type="checkbox"/> <input type="checkbox"/> — The contact name, at the financial institution or the institution's supervisory agency, if they have questions not answered by the written materials? <input type="checkbox"/> <input type="checkbox"/> • Are the financial institution's loan officers including loan officers in the commercial loan department who may handle loan applications for HMDA reportable loans (such as multi-family or mixed-use properties and small business refinances secured by residential real estate): <ul style="list-style-type: none"> — Informed of the reporting requirements so they can assemble the necessary information, and do they understand the importance of accuracy? <input type="checkbox"/> <input type="checkbox"/> — Familiar with the disclosure statements that are produced from the data and cognizant of the ramifications for the financial institution if the data are wrong? <input type="checkbox"/> <input type="checkbox"/> — Maintain appropriate documentation of the information entered on the HMDA-LAR? <input type="checkbox"/> <input type="checkbox"/> | | |

Exam Date: _____
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Docket #: _____

Home Mortgage Disclosure Act

Questionnaire

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|--|--------------------------|--------------------------|
| • If the institution collects data at more than one branch, does the institution train appropriate personnel sufficiently to ensure that all branches report data using the same guidelines? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Does the financial institution have internal control processes to ensure that the persons who capture and code the data are doing so accurately and consistently? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Does the financial institution have controls established to ensure separation of duties (for example, data entry, review, oversight approval, etc.)? | <input type="checkbox"/> | <input type="checkbox"/> |

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