

Anti-Predatory and Responsible Lending Questionnaire (Form OG1C)



Mortgage
Partnership
Finance

PFI Name: _____	PFI # _____	As of (Date): _____
<p>1. Does the PFI originate loans that are classified as:</p> <p>a. "High Cost" by the Homeownership and Equity Protection Act of 1994 (HOEPA) or by any other applicable predatory or abusive lending (anti-predatory lending or "APL") law? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>b. Covered Loans as defined by Origination Guide Exhibit A (Anti-Predatory Lending Category)? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>c. If the response to 1.a. or 1.b. is yes, does the PFI have a method to detect and prevent such loans from delivery under the MPF Program? <input type="checkbox"/> YES <input type="checkbox"/> NO</p>		
<p>2. a. Does the PFI have APL policies and screening procedures in place with respect to all Mortgages delivered under the MPF Program that cover the requirements of Origination Guide Chapter 2.6? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>b. If yes, do the policies and procedures address the requirements of Origination Guide Chapter 2.6? <input type="checkbox"/> YES <input type="checkbox"/> NO</p>		
<p>3. Do the PFI's APL polices and screening procedures:</p> <p>a. Address who is responsible for tracking changes in APL laws? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>b. Require the PFI to either i) screen the loans from or ii) review and monitor the APL policies and screening procedures of each "third-party originator" (brokers and correspondents) from which the PFI purchases mortgages? (Check "not applicable" only if the PFI originates all loans that it delivers.) <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A</p>		
<p>4. Does the PFI conduct pre- or post-closing APL audits? (check all that apply) <input type="checkbox"/> Pre <input type="checkbox"/> Post <input type="checkbox"/> Neither</p>		
<p>5. Does the PFI use a commercially available APL compliance / screening software program? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>If yes, specify program used: _____</p>		
<p>6. Does the PFI deliver Mortgages under the MPF Program that are secured by property located in a jurisdiction in which Standard & Poor's has determined it cannot rate certain mortgages defined as "unratable" (currently in the states of Indiana, Maine, Massachusetts, New Jersey and Rhode Island)? For more information, see Origination Guide Chapter 2.6.1.1 and Exhibit A (Anti-Predatory Lending Category). <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>a. If the response to question 6 is Yes, have the PFI's most current APL screening procedures and policy for that state(s) been reviewed and accepted by the MPF Bank? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>b. If the response to question 6a is No, or if you have modified your procedures since they were last accepted by the MPF Bank, please attach a copy of your institution's current APL screening procedures for that specific state(s) APR, points and fees threshold test.</p>		
<p>7. Has the PFI had to repurchase loans from any investor due to any APL violations or perceived violations in the past five (5) years? <input type="checkbox"/> YES <input type="checkbox"/> NO</p>		
<p>8. Does the PFI originate, service and/or sell residential mortgage loans that are classified nontraditional loans, which allow borrowers to defer payment of principal and interest, such as interest only mortgages, payment option mortgages, and negative amortization mortgages? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>Note: These are ineligible for sale into the MPF Program.</p>		

9. Does the individual executing this Form OG1C represent that such person is duly authorized to sign this Form OG1C on behalf of the PFI, certify that the PFI is aware of the MPF Program's APL guidelines as stated in Origination Guide Chapter 2.6 and certify that the PFI will comply with MPF Program APL guidelines when delivering Mortgages under the MPF Program? YES NO

10. Does your institution originate, sell and/or service Mortgage loans in the following jurisdictions – IN, MA, ME, NJ and/or RI? YES NO
 If yes, list the jurisdiction(s) _____
 If your institution intends to deliver into the MPF Program any Mortgage loans that encumber properties in these jurisdictions, please provide your institution's testing method for the specific state(s) APR, points and fees threshold test. **If no, this is not applicable.**

11. Does the individual executing this FHLBNY's Certification represent that such person is duly authorized to sign this Form, FHLBNY's Certification, on behalf of the PFI, certify that the PFI is aware of the FHLBNY's Responsible Lending Policy and Anti-Predatory Lending Policy for Acquired Member Assets and certify that the PFI will comply with the FHLBNY's Responsible Lending Policy and Anti-Predatory Lending Policy for Acquired Member Assets; and that at the time that Mortgages are delivered into the MPF Program, such mortgages: i) Comply in all material respects at the time the loans were made, with applicable local, state, and federal laws, including, but not limited to, all applicable anti-predatory lending laws, laws covering fair housing, fair credit reporting, truth in lending, real estate settlement procedures, community reinvestment, homeowners' equity protection, soldiers' and sailors' civil relief, and equal credit opportunity, the Predatory Lending Considerations, Underwriting Standards and Consumer Protection Principles sections of the Inter-agency Guidance on Subprime Loans¹ and the Loan Terms and Underwriting Standards and the Consumer Protection Issues sections of the Inter-agency Guidance for Nontraditional Loans²; ii) Are not "high cost" or "high rate" loans, or loans in similar categories, as such terms may be defined in federal laws or the statutes or ordinances of various state or local jurisdictions; and iii) Are not mortgage loans with an effective origination date of October 1, 2004, or afterwards, containing mandatory arbitration clauses with respect to dispute resolution. YES NO

Signature

Title

Name (Printed)

Date

¹ Interagency "Final Guidance - Statement on Subprime Mortgage Lending," 72 Federal Register 37569 (July 10, 2007).

² "Interagency Guidance on Nontraditional Mortgage Product Risks," 71 Federal Register 58609 (October 4, 2006).