

§ 27.5

between census tracts with similar incomes and home ownership levels, differentiated only by race or national origin (i.e., possible racial redlining).

(b) The Comptroller, when requiring the maintenance of a Log, will specify in writing:

(1) The location(s) where the information shall be obtained;

(2) The length of time it shall be maintained;

(3) The frequency with which it shall be submitted to the Comptroller; and

(4) The reason(s) for imposing this requirement.

(c) A bank which has been directed by the Comptroller to maintain a Log shall obtain and note all of the following information regarding each inquiry or application for the extension of a home loan and each inquiry or application for a government insured home loan (not otherwise included in this part):

(1) Date of application or inquiry.

(2) Type of loan using the categories: purchase, construction-permanent; refinance; and government insured by type of insurance, i.e., FHA, VA, and FmHA (if applicable).

(3) Indication of whether the entry refers to an application or an inquiry.

(4) Case identification (either a unique number which permits the application file to be located, or the name(s) and address(es) of the applicant(s)).

(5) Race/national origin of the inquirer(s) or applicant(s) using the categories: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; White, not of Hispanic origin; Hispanic; Other. In the case of inquiries, this item shall be noted on the basis of visual observation or surname(s) only. In the case of applications, the information shall be obtained pursuant to § 27.3(b)(2).

(6) *Location*. Complete street address, city, county, state and zip code of the property which will secure the extension of credit. The census tract shall also be recorded when the property is located in an SMSA in which the bank has a home office or branch office.

(d) The information required under § 27.4(c), of this part, shall be recorded and maintained on the form set forth in appendix III. Additional information

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may be recorded and maintained at the bank's discretion.

[44 FR 63089, Nov. 2, 1979, as amended at 59 FR 26415, May 20, 1994]

§ 27.5 Record retention period.

(a) Each bank shall retain the records required under § 27.3 for 25 months after the bank notifies an applicant of action taken on an application, or after withdrawal of an application. This requirement also applies to records of home loans which are originated by the bank and subsequently sold.

(b) The Comptroller of the Currency may, by written notice to a bank, extend the retention period.

§ 27.6 Substitute monitoring program.

The recordkeeping provisions of § 27.3 constitute a substitute monitoring program as authorized under § 202.13(d) of Regulation B of the Federal Reserve Board (12 CFR 202.13(d)). A bank collecting the data in compliance with § 27.3 of this part will be in compliance with the requirements of § 202.13 of Regulation B.

§ 27.7 Availability, submission and use of data.

(a) Each bank shall make all information collected under § 27.3 and § 27.4 available for review at the bank to national bank examiners upon request.

(b) Prior to a scheduled bank examination, the Comptroller may request the information maintained under § 27.3(a). A bank required to maintain information under § 27.3(a)(2) shall submit the information to the Comptroller on the form prescribed in appendix I of this part. A bank which is exempt from maintaining the information required under § 27.3(a) shall notify the Comptroller of this fact in writing within 30 calendar days of its receipt of the Comptroller's request.

(c) If, upon review of the information maintained under § 27.3(a), the Comptroller determines that statistical analysis prior to examination is warranted, the bank will be notified.

(1) Within 30 calendar days after receipt of notification from the Comptroller, the bank shall submit, for application records specified by the Comptroller, completed Home Loan

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Data Submission Forms (set forth as appendix IV). The Comptroller may, upon the request of a bank and for good reason, extend the 30-day period.

(2) The number of Home Loan Data Submission Forms requested by the Comptroller will not exceed 250 per *decision center*, or 2,000 per bank with multiple *decision centers*, unless there is cause to believe that a bank is not in compliance with fair housing laws based on examination findings or substantiated complaints, among other factors.

(3) A bank with fewer than 75 home loan applications in the preceding year will not be required to submit such forms unless:

(i) The home loan activity is concentrated in the few months preceding the request for data, indicating the

likelihood of increased activity over the subsequent year, or

(ii) There is cause to believe that a bank is not in compliance with the fair housing laws based on prior examinations and/or complaints, among other factors.

(d) If there is cause to believe that a bank is in noncompliance with fair housing laws, the Comptroller may require submission of additional Home Loan Data Submission Forms. The Comptroller may also require submission of the information maintained under §27.3(a) and Home Loan Data Submission Forms at more frequent intervals than specified in paragraphs (b) and (c) of this section.

[44 FR 63089, Nov. 2, 1979, as amended at 59 FR 26415, May 20, 1994]

APPENDIX I TO PART 27—MONTHLY HOME LOAN ACTIVITY FORMAT

Appendix I

BANK NAME		DECISION CENTER NAME		NUMBER									
OCC CHARTER #		ADDRESS		PHONE NO.									
PERSON RESPONSIBLE FOR COMPLETING THIS FORM AND PHONE NO.		PRINCIPAL SERVICE AREA (e.g. State, SMSA, County, City or Part Thereof)											
COMPTROLLER OF THE CURRENCY MONTHLY HOME LOAN ACTIVITY FORMAT													
HOME LOAN APPLICATIONS													
YEAR	MONTH	PURCHASE			CONSTRUCTION—PERMANENT			REFINANCE					
		No. Received	No. Closed	No. Rejected	No. Withdrawn	No. Received	No. Closed	No. Rejected	No. Withdrawn				
	JANUARY												
	FEBRUARY												
	MARCH												
	APRIL												
	MAY												
	JUNE												
	JULY												
	AUGUST												
	SEPTEMBER												
	OCTOBER												
	NOVEMBER												
	DECEMBER												
	TOTAL												

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APPENDIX II TO PART 27—INFORMATION FOR GOVERNMENT MONITORING PURPOSES

The following language is approved by the Comptroller of the Currency and will satisfy the requirements of 12 CFR part 27. It may be inserted to complete the "Information for Government Monitoring Purposes" section of the Residential Loan Application Form (FHLMC Form 65/FNMA 1003) or may be used separately. This information may also be provided orally by the applicant.

The following information is requested by the Federal Government if this loan is related to a dwelling, in order to monitor the lender's compliance with equal credit opportunity and fair housing laws. You are not required to furnish this information, but are encouraged to do so. The law provides that a lender may neither discriminate on the basis of this information, nor on whether you choose to furnish it. However, if you choose not to furnish it, under Federal regulations this lender is required to note race and sex on the basis of visual observation or surname. If you do not wish to furnish the above information, please initial below.

BORROWER

I do not wish to furnish this information (initial)_____.

RACE/NATIONAL ORIGIN

- American Indian or Alaskan Native
- Asian or Pacific Islander
- Black, not of Hispanic origin
- Hispanic
- White, not of Hispanic origin
- Other (specify)_____

SEX

- Female
- Male

CO-BORROWER

I do not wish to furnish this information (initial)_____.

RACE/NATIONAL ORIGIN

- American Indian or Alaskan Native
- Asian or Pacific Islander
- Black, not of Hispanic origin
- Hispanic
- White, not of Hispanic origin
- Other (specify)_____

SEX

- Female
- Male

[59 FR 26415, May 20, 1994]

APPENDIX IV TO PART 27—HOME LOAN DATA SUBMISSION

Appendix IV

**COMPTROLLER OF THE CURRENCY
HOME LOAN DATA SUBMISSION**

NAME OF BANK _____
CHARTER NUMBER _____ (1-5)
DECISION CENTER NO. _____ (6-9)

(Enter dollar amount as whole dollars)

APPLICATION FORM

1. Application file Number _____ (10-21)
2. Amount of Loan Requested \$ _____ (22-27)
3. Number of Months Requested to Maturity _____ (28-30)
4. County _____ (31-37)
5. State ____ (38-39)
6. Number of Units 1 2 3 4 (40)
7. Year House Was Built _____ (41-44)
8. Purpose of Loan 1 Purchase 2 Construction-Permanent 3 Refinance (45)

<p>Applicant</p> <p>9. Age ____ (46-47)</p> <p>10. Marital Status (48)</p> <p>1 <input type="checkbox"/> Married 2 <input type="checkbox"/> Separated</p> <p>3 <input type="checkbox"/> Unmarried (Includes single divorced, widowed)</p>	<p>11. Co-Applicant? 1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No (49) (If #11 is No, proceed to #14)</p> <p>12. Age ____ (50-51)</p> <p>13. Marital Status (52)</p> <p>1 <input type="checkbox"/> Married 2 <input type="checkbox"/> Separated</p> <p>3 <input type="checkbox"/> Unmarried (Includes single divorced, widowed)</p>
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14. Applicant Gross Monthly Income \$ _____ (53-58)
15. Co-Applicant Gross Monthly Income \$ _____ (59-64)
16. Proposed Monthly Housing Payments \$ _____ (65-69)
17. Purchase/Sales Price \$ _____ (70-75)
18. Other Total Monthly Payments \$ _____ (76-81)

<p>Applicant</p> <p>19. Race 1 <input type="checkbox"/> American Indian or Alaskan Native (82)</p> <p>2 <input type="checkbox"/> Asian or Pacific Islander</p> <p>3 <input type="checkbox"/> Black, not of Hispanic origin</p> <p>4 <input type="checkbox"/> White, not of Hispanic origin</p> <p>5 <input type="checkbox"/> Hispanic</p> <p>6 <input type="checkbox"/> Other</p> <p>20. Sex 1 <input type="checkbox"/> Female 2 <input type="checkbox"/> Male (83)</p>	<p>Co-Applicant? (If none, proceed to #23)</p> <p>21. Race 1 <input type="checkbox"/> American Indian or Alaskan Native (84)</p> <p>2 <input type="checkbox"/> Asian or Pacific Islander</p> <p>3 <input type="checkbox"/> Black, not of Hispanic origin</p> <p>4 <input type="checkbox"/> White, not of Hispanic origin</p> <p>5 <input type="checkbox"/> Hispanic</p> <p>6 <input type="checkbox"/> Other</p> <p>22. Sex 1 <input type="checkbox"/> Female 2 <input type="checkbox"/> Male (85)</p>
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23. Bank Relationship at Subject Bank (86)

- 1 Current Banking Relationship
- 2 Past Banking Relationship
- 3 No Banking Relationship
- 4 Unable to Determine

Appraisal

- 24. Census Tract _____ (87-92)
- 25. Appraised Value \$ _____ (93-98)

Action Taken

26. Description of Action (99)

- 1 Withdrawn Before Terms Were Offered
 - 2 Denied
 - 3 Withdrawn After Terms Were Offered
 - 4 Approved and Loan Closed
- } (if checked, skip remaining questions)
- } (if checked, complete remaining questions)

Terms of Mortgage or of Mortgage Offer

- 27. Commitment Date / / (100-105)
 M M D D Y Y

28. Type of Mortgage (106)

- 1 Standard Fixed Payment
- 2 Variable Rate
- 3 Graduated Payment
- 4 Roll-Over
- 5 Other

29. Private Mortgage Insurance Required? (107)

- 1 No
- 2 Yes

30. Loan Amount \$ _____ (108-113)

31. Note (Simple) Interest Rate _____ % (114-117)

32. Points to Buyer _____ (118-120)

33. Months to Maturity _____ (121-123)

34. Downpayment Amount \$ _____ (124-129)

[59 FR 31925, June 21, 1994]