prospective importers of cattle from countries affected with foot-and-mouth disease (FMD). Included in these procedures were provisions to notify the public at least 90 days before a public drawing is held and to ensure receipt of completed applications for special permits by Veterinary Services at least 15 days prior to the announced date of the drawing.

Delays in construction have caused the Department to delay the first shipment which will initiate the operation of the facility. The Department now anticipates the first shipment will enter quarantine at the Import Center about January 1, 1980. The first shipment of animals would be in quarantine for five months at the Import Center. A period of 30 days for cleaning and disinfecting the center is necessary before another group of animals can enter the Import Center. Consequently, the second group of animals could not enter the Import Center before June 1, 1980. Section 92.41(a)(2) of the regulations requires that the drawing for special permits for animals to be imported into the Import Center be held at least six months before their proposed date of entry into the center. Consequently, the drawing for the second group of animals must be held by January 1, 1980, in order that the Import Center be fully utilized. In other words, in order to insure that the second group of animals can enter the Import Center as soon as possible after the first group of animals have left the Import Center, the drawing must be held as close to January 1, 1980, as possible. However, as noted above, the regulations also provide that 90 days notice be afforded to potential applicants for special permits prior to the date of the drawing for permits (9 CFR 92.41(a)(1)). Consequently, if the drawing were to be held on or about January 1, 1980, notice had to be given by October 1, 1979, obviously this is not possible. Consequently, the Department has determined to reduce the notice period to approximately 70 days for the second quarantine period from the 90 day period. This should still provide adequate notice to persons who wish to apply for a special permit. Therefore, the drawing is scheduled for January 28, 1980, and then applications would be due by January 11, 1980.

The costs associated with the operation of the Fleming Key facility to be borne by the importers using this facility will vary in accordance with the actual number of animals utilizing the facility. At the present time, the Department estimates that the cost to each importer will be approximately $4,571 per animal if the facility is fully utilized, that such costs will necessarily increase if the facility is not fully utilized, and that such increase will be in proportion to the number of animals actually utilizing the facility. In this connection, the Department will engage in rulemaking regarding the costs in the near future.

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended in the following respect:

In § 92.41, paragraph (a)(1), the second sentence is amended to read:

§ 92.41 Requirements for the importation of animals into the United States through the Harry S Truman Animal Import Center.

(a) * * *

(1) * * * Each applicant shall complete an application for importing animals into this amimal import center at least 15 days prior to the date of the drawing,[5a] *Provided,* That for the second drawing on January 28, 1980, applications must be received by Veterinary Services on or before January 11, 1980, to be considered. * * *

(Sec. 2, 32 Stat. 792, as amended; sec. 1, 84 Stat. 202 (21 U.S.C. 111, and 135); 37 FR 28464, 28477; 38 FR 19141.)

The amendment revises the notice provisions relating to the issuance of special permits for quarantine of cattle at the Harry S Truman Animal Import Center and is essential in order to allow the Department to better coordinate and allocate personnel and materials to the facility and to provide maximum utilization of the facility. The amendment is of an emergency nature and must be placed in effect immediately in order to serve the purpose intended.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register.**

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by Dr. M. J. Tillery, Director, National Program Planning Staffs, Veterinary Services, Animal and Plant Health Inspection Service, that the emergency nature of this final rule warrants publication without opportunity for public comment and preparation of an impact analysis statement at this time.

This final rule will be scheduled for review under provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C., this 30th day of October 1979.

Pierre A. Chaloux,

Deputy Administrator, Veterinary Services.

[FR Doc. 79-34013 Filed 11-1-79; 8:45 am]

BILLING CODE 3410-34-M

[5a] Application forms may be obtained upon request from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, MD 20782.

9 CFR Part 113

Standard Requirements; Miscellaneous Amendments; Correction

In FR Doc. 79-31434 appearing at page 58897 in the issue of Friday October 12, 1979, the following change should be made:

On page 58899, second column, in "(2)", sixteenth line, "conforming" should read "confirming".

BILLING CODE 1505-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 71

Packaging of Radioactive Material for Transport and Transportation of Radioactive Material Under Certain Conditions; Shipment in Accordance With Department of Transportation Regulations

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Effective rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations for packaging and transportation of radioactive material. The amendments would require all shipments of radioactive materials made by NRC licensees, other than shipments subject to the regulations of the U.S. Postal Service, to be made in accordance with the regulations of the U.S. Department of Transportation. The regulations are being amended to allow the NRC to inspect the activities of its licensees involved with shipment of radioactive materials.

EFFECTIVE DATE: December 3, 1979.

FOR FURTHER INFORMATION CONTACT: Ralph J. Jones, Office of Standards Development, U.S. Nuclear Regulatory

Commission, Washington, D.C. 20555 [(301)–443–5949].

SUPPLEMENTARY INFORMATION: An increased number of shipments are being made each year of low specific activity materials and of type A quantities of radioactive materials. This trend is expected to continue in the future. Recently, there has also been a growing number of incidents involving the shipment of these materials. The basic cause of many transportation incidents can be attributed to the use of defective shipping containers or to improper loading and preparation of packages for shipment. After consulting with the U.S. Department of Transportation, the U.S. Nuclear Regulatory Commission has determined that there is a need to further assure that these shipments are being conducted in accordance with Federal regulations. Therefore, the NRC is amending 10 CFR Part 71 to require that all shipments of licensed material, except those shipments subject to the regulations of the U.S. Postal Service, be made in accordance with the regulations of the U.S. Department of Transportation. This change to the regulations which will not alter any substantive requirements will permit the NRC to inspect the activities of its licensees in this area and to take enforcement actions if warranted.

The Nuclear Regulatory Commission has overlapping authority with the Department of Transportation to regulate the transportation of radioactive materials. Because of the numerous transportation incidents that have occurred involving low specific activity and type A quantities of radioactive materials, a need exists for additional inspection and enforcement efforts to more fully assure that these shipments are made in accordance with Federal regulations. Augmenting the inspection and enforcement efforts of the Department of Transportation with those of the Nuclear Regulatory Commission will further assure that applicable Federal regulations are observed with respect to packaging and shipment of low specific activity and type A quantities of radioactive materials. In view of the foregoing and of the importance from the standpoint of the public health and safety of assuring that NRC licensees are in compliance with Federal regulations applicable to the packaging and shipment of radioactive material, the Commission has found that there is immediate need to increase the level of its inspection and enforcement activities in this area, that this change relates primarily to matters of Commission practice and procedures, and therefore, good cause exists for omitting notice of proposed rulemaking and public procedure thereon as contrary to the public interest. The amendments will become effective December 3, 1979.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 71, is published as a document subject to codification.

1. In § 71.1, paragraph (a) is revised to read as follows:

§ 71.1 Purpose.

(a) This part establishes requirements for transportation and for preparation for shipment of licensed material and prescribes procedures and standards for approval by the Nuclear Regulatory Commission of packaging and shipping procedures for licensed materials and prescribes certain requirements governing such packaging and shipping.

* * * * *

2. In § 71.5, paragraphs (a) and (c) are revised to read as follows:

§ 71.5 Transportation of licensed material.

(a) No licensee shall transport any licensed material outside of the confines of his plant or other place of use, or deliver any licensed material to a carrier for transport, unless the licensee complies with the applicable requirements to the regulations appropriate to the mode of transport, of the Department of Transportation in 49 CFR Parts 170–189, and the U.S. Postal Service in 39 CFR Parts 14 and 15 insofar as such regulations relate to the packaging of byproduct, source, or special nuclear material, marking and labeling of the packages, loading and storage of packages, placarding of the transportation vehicle, monitoring requirements and accident reporting.

* * * * *

(c) Paragraph (a) of this section shall not apply to the transportation of licensed material, or to the delivery of licensed material to a carrier for transport, where such transportation is subject to the regulations of the U.S. Postal Service.

3. In § 71.7, paragraph (a) and the prefatory language of paragraph (b) are revised to read as follows:

§ 71.7 Exemption for certain quantities.

(a) A licensee is exempt from all the requirements of this part to the extent that he delivers to a carrier for transport packages each of which contains no licensed material having a specific activity in excess of 0.002 microcurie/gram.

(b) Except for the requirements specified in § 71.5, a licensee is exempt from all the requirements of this part to the extent he delivers to a carrier for transport packages subject to the regulations of the Department of Transportation in 49 CFR Parts 170–189 or the U.S. Postal Service in 39 CFR Parts 14 and 15, each of which contains no more than a Type A Quantity of radioactive material, as defined in § 71.4(q), which may include one of the following:

* * * * *

(Secs. 53, 63, 81, 161, b, i, o, Pub. L. 83–703, 68 Stat. 930, 933, 935, 948, as amended (42 U.S.C. 2073, 2093, 2111, 2201); Sec. 201, Pub. L. 93–438, 88 Stat. 1242, as amended (42 U.S.C. 5841))

Dated at Washington, D.C. this 29th day of October, 1979.

For the U.S. Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 79-33083 Filed 11-1-79; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 27

Fair Housing Home Loan Data System

AGENCY: Comptroller of the Currency.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency is issuing a regulation designed to provide a basis for a more effective fair housing monitoring program for home loans. The regulation establishes new recordkeeping requirements and a data collection system for monitoring national bank compliance with the Fair Housing Act (Title VIII of the Civil Rights Act of 1968), 42 U.S.C. 3601 *et seq.*, and the Equal Credit Opportunity Act, 15 U.S.C. 1691 *et seq.* In addition, the issuance of this fair housing regulation will assist in the implementation of certain parts of the settlement reached in "National Urban League et al. v. Office of the Comptroller of the Currency et al." The burdens imposed on national banks under this final regulation are significantly less than the burdens which would have been created under the proposed regulation, thus reducing the expense to national banks.

EFFECTIVE DATE: January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Patrick Marr, Senior Compliance Fair

Lending Examination Specialist, or Coreen Arnold, Senior Compliance Examiner—Fair Lending, Office of the Comptroller of the Currency, Washington, D.C. 20219, (202) 447-1600.

SUPPLEMENTARY INFORMATION: On April 13, 1979, the Comptroller of the Currency published for comment (44 FR 22396) a proposed regulation and guideline in furtherance of its responsibility to monitor and enforce national bank compliance with the provisions of the Federal fair housing and lending laws. In response to the proposed regulation, 144 written comments were received from national banks and bank holding companies, trade associations, fair housing and other public interest groups, and several individuals. All comments were reviewed and analyzed in detail insofar as they related to matters within the scope of the proposed regulation. In addition, written comments were obtained in the course of several meetings held with groups of bankers representing a variety of types of banks and regions of the country. Many of the comments aided in directing the attention of this Office to requirements of the proposed regulation which were particularly burdensome or insufficiently related to the goal of providing a fairly administered, cost-effective fair housing monitoring system.

The proposed regulation would have required all national banks to:

(1) Maintain and retain a Fair Housing Inquiry/Application Log ("Log") on in-person inquires and applications for home loans;

(2) Retain certain data collected in connection with an application for a home loan; and

(3) Submit to the Comptroller, on a form to be supplied, information retained under (2) for statistical analysis prior to a scheduled examination.

In response to many of the suggestions, three major changes have been adopted:

(1) Elimination of the Log maintenance and retention as a general requirement. The Log, however, has been retained in the regulation for use on a case by case basis to monitor the inquiry and application pattern of a bank where the Comptroller has cause to believe that the bank is not in compliance with the fair housing laws. In light of this change, the scope of the Log has been enlarged to provide the Comptroller with a better method to detect the presence or absence of discrimination.

(2) Exclusion of certain categories of loans from the recordkeeping and data submission provisions; *i.e.*, home improvements, mobile homes that are not permanently affixed to land, and vacant land.

(3) Establishment of a simple, substitute requirement for banks which receive fifty or more home loan applications a year. In place of the Log, such banks shall record and maintain monthly information on the volume of home loan activity and make this data available to the Comptroller on request.

The "guideline", originally published as an explanatory adjunct to the proposed regulation, has been eliminated from the final version. It has been replaced by more specific provisions in the final regulation. Additional guidance will be incorporated into the instructions and explanatory material which will be sent to each bank along with copies of the forms which are in the Appendix to the final regulation.

Many of the issues raised by the comments, and their resolution in the final regulation, are discussed below.

Discussion of Comments

Scope

At least half of the comments addressed the scope of the regulation, particularly in relation to the inclusion of mobile home loans and home improvement loans.

With few exceptions, the banks and trade organizations objected to the inclusion of those loans within the data collection system, and noted the substantial burden that would result from the inconsistency between the type of records required under the recordkeeping requirements proposed in § 27.3 (b) and (c) and the type of information generally collected for mobile home and home improvement loans. In addition, many comments pointed out that home improvement and mobile home loans are generally treated by banks as consumer loans, which do not require the extensive financial disclosures or monitoring information required for real estate loans in § 202.13 of Regulation B of the Federal Reserve Board, 12 CFR 202.13.

On the other hand, nearly all of the civil rights and fair housing groups, together with a few of the banks, urged the inclusion of all home improvement loans, rather than only home improvement loans secured by a first lien, as proposed. They argued that the Fair Housing Act of 1968 includes all housing-related activity and that discrimination occurs in the extension of credit for home improvement loans regardless of the type of security or status of the junior lien.

The principal purpose of the regulation is to provide for the collection and retention of information necessary to establish a valid statistical analysis of a bank's home lending decisions without placing an undue burden upon the banks. Thus, the scope of the analysis should be limited to the types of loans which can be effectively analyzed.

The Comptroller has concluded that inclusion of home improvement and mobile home loans is unfeasible because there is no consistency among banks in methods or techniques for granting credit in the general consumer area. On the other hand, statistical analysis is possible in residential real estate because of the highly standardized underwriting practices used in making those loans. Therefore, the final regulation eliminates all home improvement and mobile home loans (except a loan which is made in reliance upon the security of a mobile home and the parcel of land to which it is permanently affixed) from its coverage.

Nearly all of the civil rights groups' comments and a few of the bank comments questioned the exclusion of Federal Housing Administration (FHA) and Veterans Administration (VA) insured loans from the recordkeeping and data submission requirements. There were two reasons for this omission. First, the FHA and VA, rather than the bank, generally make the lending decisions and conduct the appraisal on loans which they insure or guarantee. Secondly, the relevant data on FHA insured loans is already collected by FHA, and is available for analysis should the Comptroller decide to review lending decisions on FHA mortgages extended by national banks.

The use of electronic data processing to analyze loan decisions (including rates and terms) is a new and developing process. The Comptroller, therefore, has limited the scope of the regulation to those types of loans which our research and public comment indicate can be effectively analyzed. However, the Comptroller will regularly review the efficiency and effectiveness of these requirements, as well as the value of statistical analysis through the use of electronic data processing, to determine whether the regulatory scope should be reexamined in the future.

Definition of "Application"

A number of comments questioned the proposed definition of "application" in § 27.2(b). This definition comes directly from § 202.2(f) of Regulation B, 12 CFR 202.2(f). The comments, however, underscored the confusion that exists among some banks about the meaning of this term, particularly in relation to oral applications. Therefore, the definition of

application will be amplified in the explanatory material which will be sent to each bank along with the regulation, forms, and instructions.

Conventional Credit

Section 27.2(e) of the proposed regulation contained a definition of conventional credit. In response to the many comments, this definition has been eliminated and replaced by a definition of "real estate loan", which, consistent with the Comptroller's definition of real estate loan in 12 CFR Part 7, excludes any loan in which a lender places substantial reliance on the insurance or guarantees of a government agency.

Dwelling

Section 27.2(f) of the proposed regulation defined "dwelling". A substantial number of comments were received regarding the inappropriate inclusion of vacant land within the scope of this regulation and within the definition of "dwelling". Since the definition of "residential real property" in § 202.13(a)(2) of Regulation B has been interpreted not to include vacant land, and because the underwriting standards for vacant land are not generally consistent with those for improved land, vacant land has been eliminated from coverage under this regulation. The definition of "dwelling" has, therefore, been eliminated and replaced by a definition of "residential real property" which is consistent with Regulation B, and which contains an explicit exclusion of vacant land.

More than half of the comments questioned the suitability of including mobile homes within the scope of this definition. These comments have been addressed previously under "Scope".

Home Loan

Section 27.2(g) of the proposed regulation defined home loan to include loans for purchase, construction-permanent, or refinancing of a dwelling, as well as home improvement loans secured by a first lien. For the reasons described above under the discussion of "Scope", the definition of "home loan" no longer includes home improvement loans.

Many bankers' comments urged that the definition of home loans be limited only to the purchase of a dwelling, and recommended the omission of construction, construction-permanent and refinancing loans. Other bank comments, however, noted that construction-permanent is a common type of mortgage in inner city lending, and also noted that refinancing (not to be confused with a home equity loan which is generally a consumer loan) is also increasing in popularity. Therefore, the Comptroller has decided to continue to include construction-permanent and refinancing in the definition of home loan because these loan types will provide a more accurate picture of a bank's home loan activity.

Construction loans without permanent financing were not intended to be included in the proposed regulation and are excluded from the scope of the final regulation.

Inquiry

Section 27.2(i) of the proposed regulation defined "inquiry" to include in-person inquiries when they related to a specific property. Most comments expressed concern about the tying of the inquiry concept to specific properties. The banks felt that it would be confusing to accurately maintain a distinction between inquiries which related to a property and those which did not. The civil rights groups, in contrast, felt that addressing only inquiries on specific properties was too limited. Since the final regulation requires the Log only where the Comptroller has cause to believe that a bank is not complying with the fair housing laws, the definition of "inquiry" has been expanded to include all written and in-person requests for information about home loans, including requests for general information on rates and terms.

Prohibited Basis

A number of comments argued that the definition of "prohibited basis" in Section 27.2(j) of the proposed regulation was too narrow a construction of the law, and suggested that definitions used by various States be covered as well. In order to avoid possible substantive conflicts between Regulation B, the Fair Housing Act, and State laws, the term "prohibited basis" will not be defined in the regulation. All laws and regulations which are applicable to national banks will apply.

Inquiry/Application Log

Section 27.3(a) of the proposed regulation would have required every bank to maintain an Inquiry/Application Log for home loans. Nearly every bank and banking association that commented on the regulation objected to this provision. Most commentators felt that the burden would be excessive considering the information to be gained. It was also pointed out that those banks which were prescreening illegally might not list the inquiries on the Log, while banks which were not discriminating would be unjustly burdened by the requirement.

The Comptroller was also concerned that under the proposed regulation banks which have a significant volume of home lending would have many pages of Log forms, which would be in excess of what an on-site examiner would require in order to conduct a routine fair housing examination. Significantly, the Log was intended to be used to provide information to determine which banks must submit data for computer analysis. However, that need can be met with basic management information which many banks presently maintain; *i.e.*, the volume of home loan applications, which is now required in the final regulation in § 27.3(a), and which is far less burdensome than the Log. Based on all of these considerations, the final regulation eliminates the Log as a general requirement.

While the Inquiry/Application Log will not be required of all banks, the Comptroller may, as an enforcement mechanism, require a bank to maintain the Log when there is cause to believe that the bank may not be in compliance with the fair housing laws, and particularly, where there are indications that a bank is prescreening or otherwise discouraging applications on a prohibited basis. In order to reflect this new function of the Log, the Log requirement has been removed from § 27.3, Recordkeeping Requirements, and placed in a new § 27.4, Inquiry/Application Log.

The new § 27.4 contains the factors to be considered by the Comptroller in determining whether a bank shall be required to keep a Log. Because the Log will be limited to enforcement purposes, certain requirements have been added or expanded in order to increase its effectiveness in this regard: (1) the definition of inquiries has been expanded (see discussion of "inquiries", above); (2) Government-insured home loans (*i.e.*, FHA, VA and FmHA) will be included in order to obtain a more complete picture of requests for home loans; and (3) the census tract of the subject property which will secure the loan will also be required when the property is located in a Standard Metropolitan Statistical Area (SMSA) in which the bank has a home office or branch office.

Unlike the provisions of § 27.3(a) and § 27.7, which set general exemptions for banks which receive fewer than 50 or 75 home loan applications per year, respectively, the enforcement provisions of this regulation will not be subject to any exemption. The Comptroller specifically reserves the right to use other corrective measures, in addition to

the Log, in enforcing the provisions of applicable fair housing laws. A bank which has been directed to maintain the Log must record and maintain the information on the form prescribed in Appendix III. However, the Comptroller reserves the option of directing a bank to maintain the Log data in any manner that the Comptroller may deem appropriate. Additional information may be recorded and maintained at the bank's discretion.

Home Loan Activity: Monthly Data

In place of the Inquiry/Application Log, each bank which receives fifty or more home loan applications per year will be required to maintain certain data specified in a revised subsection 27.3(a), Monthly Home Loan Activity. This data will include the monthly volume of home loan applications received by each decision center, and the number of home loans closed, withdrawn and denied. In order to maximize flexibility, banks may obtain and record this information in a manner compatible with their own internal management systems. Banks will, however, be requested prior to examinations to submit this information to the Comptroller in the format specified in the regulation (set forth in Appendix I). The purpose of this requirement is to establish whether the volume of home loan applications is significant enough to permit statistical analysis, and if so, to provide the Comptroller with sufficient information so as to enable the Comptroller to direct the selection of an appropriate sample.

Information Required on Application for Home Loan

Section 27.3(b) of the proposed regulations contained a listing of items that must be maintained for each application. This particular listing of items was arranged to enable those banks utilizing the application forms of the Federal Home Loan Mortgage Corporation and the Federal National Mortgage Association (FHLMC/FNMA) to obtain the required information in the least burdensome manner.

Many comments were particularly helpful in clarifying these requirements. Those items which received the most comment include:

(1) Section 27.3(b)(1) (ii) and (iii) of the proposed regulation required banks to record "interest rate requested" and "number of months requested" by the applicant. Many banks commented that this information was not generally "requested" but more often "suggested" by the bank. However, since these items, regardless of how they are obtained, are important variables in determining an applicant's eligibility for a loan, these items have been retained in the final regulation.

(2) Section 27.3(b)(1)(iv) of the proposed regulation required banks to record on the application the year the house was built. A number of comments noted that many home purchasers do not know this information. However, information about the age of the house is crucial in the analysis of discriminatory practices. Thus, the final regulation still requires that this information be provided, but the requirement has been modified to permit a bank to approximate the date to the nearest decade where the exact date is unknown.

(3) Section 27.3(b)(1) (xiii) and (xiv) of the proposed regulation defined the components of monthly housing payment to include principal, interest, insurance, real estate taxes, and assessments for homeowner dues or condominium fees. Since all banks compute monthly housing payment by including principal and interest, at a minimum, the final regulation retains these items. However, several comments noted that banks did or did not include such items as condominium fees, real estate taxes, insurance or utilities. Because of the lack of uniformity about the inclusion of certain items, this section has been revised to give each bank discretion as to whether it will include any of the other fees or items in its assessment of the monthly housing payment. However, as stated in the regulation, whatever practice a bank follows in including or excluding certain items must be followed consistently. When a bank changes its regular practice, such change and its effective date should be identifiable with respect to the bank's new policy.

(4) Section 27.3(b)(1)(xvii) of the proposed regulation contained a definition of net worth. A number of comments noted that the proposed definition was inconsistent with the FHLMC/FNMA Form on which it was based. The final regulation has been revised to be consistent with the FHLMC/FNMA Form.

Additional Information Required in the Loan File

Section 27.3(c) of the proposed regulation contained a further listing of items, apart from that obtained on a standard FHLMC/FNMA application, which were to be retained in the loan file.

Two additional elements have been incorporated into the loan file requirements under the final regulation. They are the "commitment date" and the "type of mortgage." Both of these items are important variables for a statistical analysis of loan rates and terms. Commitment date establishes the date a particular rate/term applied and mortgage type permits differentiation between rates and terms based on mortgage type; *e.g.*, fixed rate, variable rate, graduated payment, etc. The Comptroller does not believe that the furnishing of these items will impose a significant burden on a bank.

Section 27.3(c)(2) of the proposed regulation would have required banks to record and maintain the census tract data in the loan file for those applications in which an appraisal was completed. In general, banks and banking organizations objected to the requirement, while civil rights and fair housing groups objected to limiting the requirement only to those properties where an appraisal had been undertaken. After careful consideration, the Comptroller has determined not to delete the requirement because census tract is the only geographic unit for which income and racial data are consistently and readily available to facilitate analysis of the possible use by lenders of racial or national origin characteristics of a neighborhood in the evaluation of loans. While a bank will still be required to record census tract information of the subject property (where available), the Comptroller has decided to limit the recordation and maintenance of this data to those banks which have a home office or branch office in the SMSA in which the property is located.

Although the Comptroller is not expanding the requirement to identify census tracts for all applications because it is not cost-effective, a bank that is directed to maintain the Inquiry/Application Log, as discussed above, will be required to supply census tract data on each application and inquiry, if applicable.

Section 27.3(c)(1) of the proposed regulation, which provided for coordinating the loan file with the Log, has been eliminated as the Log is no longer a general requirement.

Monitoring Information on Sex and Race/National Origin

Many banks were troubled by the requirement in § 27.3(b)(2) of the proposed regulation to provide monitoring information on sex and race/national origin when the applicant does not voluntarily do so. Their primary concern was the problem of accuracy, *i.e.*, the inability of the loan officer to accurately identify the sex and/or race/national origin of the applicant. It should be emphasized, however, that the information is not being collected for the purpose of establishing a statistical

count as to the racial and/or ethnic characteristics of applicants for home loans. The regulations are designed, rather, to reveal possible discriminatory practices. Such discrimination which may exist would occur not on the basis of how the applicant characterizes himself or herself, but on how the lender perceives the applicant. For example, some blacks of Hispanic origin may consider themselves as Hispanic, while to the lender, the most overwhelming characteristic of the applicant would generally be his or her color.

Other comments were concerned that characterizing applicants by race would defeat all efforts to prevent discrimination by calling attention to race. Ending discrimination does not require people to become color blind. The fact that a person is of a certain color or of a particular sex is overwhelmingly evident when a person comes to file or inquire about an application; however, whether a practice of discrimination exists cannot be ascertained unless the examiner has the information on the applicant's race and sex. Also, without this information in each file, corrective action for the class of persons who may have been discriminated against cannot be undertaken. This is the same conclusion that the Federal Home Loan Bank Board and the Federal Deposit Insurance Corporation have apparently reached in instituting similar home loan data requirements for lending institutions under their respective jurisdictions.

Several comments expressed concern that the monitoring provisions would violate the inquirer's or the applicant's right to privacy, especially when an individual has clearly demonstrated that he or she does not wish to have the information supplied to the Federal Government. Specific mention was made of the applicability of the Right to Financial Privacy Act of 1978, 12 U.S.C. § 3401 *et seq.* However, the Act does not purport to bar the Federal Government from obtaining a customer's financial records from his or her depository institution, but merely requires that certain procedural steps be followed. In any event, the collection by the Comptroller of the sex and race/national origin monitoring information is exempted under the supervisory agency provision of 12 U.S.C. § 3413(b), which permits the examination by or disclosure to any such agency of financial records or information in the exercise of its supervisory, regulatory, or monetary functions.

One comment also expressed the opinion that the involuntary collection of the required monitoring information may violate an individual's constitutional right to privacy. However, an examination of the case law in this area does not support a conclusion that an individual may prevent the collection of information which is ascertainable by anyone and which is collected for the purposes of enforcing the provisions of an anti-discrimination statute.

The Comptroller does, however, recognize the concerns raised by these comments, and has taken all possible action to insure that in transferring information by the mails between the banks and the Comptroller, the anonymity of the individuals be preserved.

The content of the required disclosure has been amended to render it identical to that contained on the FHLMC/FNMA Application insert ("Information for Government Monitoring Purposes"), which requests this information. The final regulation also provides that banks which elect to use this insert will be deemed to be in compliance with the disclosures required under § 27.3(b)(2)(i). A bank which uses the insert in conjunction with other home loan application forms will also be in compliance with § 27.3(b)(2)(i).

Submission of Data

Section 27.6 of the proposed regulation would have required banks to submit home loan data, to be specified, at the Comptroller's request. In consideration of the many comments that expressed concern over the submission, particularly the nature and form of the requested data, the final regulation has been revised to specify the exact data and format to be requested. In addition, the banks will receive guidance in the Instructions to the Home Loan Data Submission Form (Appendix IV) on the ways that this data might be obtained.

A number of banks also commented on the difficulty of gathering this data in a 30-day period. It should be noted, however, that many banks will be completing these forms prior to storing each file. In addition, the regulation provides for an extension of this 30-day period. Since each call for data will be done on an individual bank basis, there will be opportunity to extend this period, if necessary.

Finally, a few comments suggested that an undue burden would be created by the proposed requirement that a bank retain the application data after a loan is purchased. It should be noted that this requirement is not new, but is presently contained under the recordkeeping provisions of § 202.12 of Regulation B, 12 CFR 202.12. Thus, the adoption of this requirement in a substitute monitoring program as authorized under 12 CFR 202.13 does not increase the burden on national banks.

Several comments expressed concern that the Comptroller would determine compliance with fair housing laws and regulations without all the data in the file, with inexperienced personnel, and/or would apply a national underwriting standard to all home loan lending decisions. This is not the case. Underwriting standards in one bank will not be compared to standards in other banks, or to a national standard derived by the Comptroller.

The statistical analysis will generally be performed with the assistance of electronic data processing. It will compare each accept/reject decision of a bank to that bank's own underwriting practices, as determined from the total sample, to identify deviations that *may be* occurring on a prohibited basis. This analysis will serve as the basis for more in-depth review, if appropriate, by national bank examiners.

If deviations on a prohibited basis are identified, the appropriate loan files will be reviewed in the bank by a national bank examiner to determine whether there is evidence in the file which explains the deviation; *e.g.*, poor credit report or job instability. Where, however, the file shows no appreciable difference in creditworthiness standards between rejected applicants and approved applicants with similar characteristics, the examiner will discuss those findings with bank management prior to determining whether or not there is noncompliance with Regulation B, the Fair Housing Act, or applicable State law.

The same is true for rates and terms. Rates and terms for each loan will be compared against the bank's own rate/term standards at the time of loan commitment, and against the pattern of rates/terms granted for all sample loans during that period, to determine if deviations may be occurring on a prohibited basis. Deviations, if any, will be investigated in the bank by a national bank examiner.

General Comments

A number of comments expressed reservations about the need and appropriateness of requiring all national banks, regardless of their apparent level of compliance with these laws, to solicit and maintain all of the data specified in the proposed regulation. They believe that the procedures outlined in the regulation should be applied only in those instances where examination of the bank has revealed some indication of possible noncompliance with fair housing laws or where the Comptroller

has some other basis to believe that the bank's level of compliance is subject to question or in need of more detailed review. As noted above, the Comptroller has agreed to this principle for purposes of the Inquiry/Application Log, determining that it would be more appropriate to require the Log in those instances where an examination of the bank has revealed some indication of noncompliance with the laws or where the Comptroller has some other basis to believe that a bank's level of fair housing compliance is subject to question or in need of more detailed review.

However, the revised recordkeeping and data submission requirements are integral to an examination for compliance with applicable laws and are not in any way construed as punitive. Rather, they are designed to assist the examiner in his or her attempts to do a full and complete fair housing examination. It is anticipated that the effect of the recordkeeping and statistical analysis procedures will include, not only more effective monitoring of the fair housing laws, but also a reduction in the time required of both bankers and bank examiners during bank examinations.

Drafting Information

The principal drafter of this document was Zina Greene, Special Assistant for Civil Rights, Office of Customer and Community Programs. Legal assistance was provided by Sharon Miyasato, Attorney, Legal Advisory Services Division.

In consideration of the foregoing, the Comptroller of the Currency hereby establishes a new Part 27 as set forth below.

PART 27—FAIR HOUSING HOME LOAN DATA SYSTEM

Sec.

27.1 Scope.
27.2 Definitions.
27.3 Recordkeeping requirements.
27.4 Inquiry/application log.
27.5 Record retention period.
27.6 Substitute monitoring program.
27.7 Availability and submission of data.
Appendix I—Monthly Home Loan Activity Format.
Appendix II—Information for Government Monitoring Purposes—Insert.
Appendix III—Inquiry/Application Log Sheet.
Appendix IV—Home Loan Data Submission.

Authority: 15 U.S.C. 1691 *et seq.;* 12 U.S.C. 1818; 12 U.S.C. 1 *et seq.;* 12 U.S.C. 161; 12 U.S.C. 481; 42 U.S.C. 3601, *et seq.;* 5 U.S.C. 301; 12 CFR 202.

§ 27.1 Scope.

This Part applies to the activities of national banks and banks located in the District of Columbia, and their subsidiaries, which make home loans for the purpose of purchasing, construction-permanent financing, or refinancing of residential real property.

§ 27.2 Definitions.

For the purpose of this Part, including all forms and instructions issued for use under this Part:

(a) "Applicant" means a natural person, including a co-applicant, who makes an application.

(b) "Application" means an oral in-person or written request for an extension of credit for a home loan that is made in accordance with procedures established by a bank for the type of credit requested.

(c) "Bank" means a national bank or bank located in the District of Columbia, and any subsidiaries of such a bank.

(d) "Completed application" means an application in connection with which a bank has received all the information that it regularly obtains and considers in evaluating the amount and type of credit requested.

(e) "Decision center" means the place where home loan applications are accepted or rejected.

(f) "Home loan" means a real estate loan for the purchase, permanent financing for construction, or the refinancing of residential real property which the applicant intends to occupy as a principal residence.

(g) "Inquirer" means a natural person who makes an inquiry.

(h) "Inquiry" means a written or an oral in-person request for information about the terms of a home loan by a natural person on his/her own behalf which is received on a bank's premises by any person at the bank who customarily receives or is authorized to receive such requests. Telephonic communications do not constitute an inquiry for purposes of this Part.

(i) "Real estate loan" means any loan secured by real estate where the bank relies upon such real estate as the primary security for the loan. Where the bank in its judgment relies substantially upon other factors, such as the general credit standing of the borrower, guaranties, or security other than real estate, the loan does not constitute a real estate loan, although as a matter of prudent banking practice it may also be secured by real estate.

(1) A loan made in reliance upon the security of a mobile home will not be considered a real estate loan, although as a prudent banking practice the security interest is recorded or otherwise perfected as if the mobile home were real estate. For purposes of this Part, a loan made in reliance upon the security of a mobile home and the parcel of land to which it is permanently affixed will be considered a real estate loan.

(2) Where the bank relies substantially on the insurance guaranty of a governmental agency in making a loan, it does not constitute a real estate loan except for the purposes of § 27.4 of this Part (Inquiry/Application Log).

(j) "Residential real property" means improved real property (not vacant land) used or intended to be used for residential purposes, including single family homes, dwellings for from two to four families, and individual units of condominiums and cooperatives.

§ 27.3 Recordkeeping requirements.

(a) Monthly Home Loan Activity.

(1) Each bank which receives fifty or more home loan applications a year, as measured by the previous calendar year, shall record and maintain for each "decision center" the following information on home loan activity:

(i) Number of applications received for each of the following: purchase; construction-permanent; refinance.

(ii) Number of loans closed for each of the following: purchase; construction-permanent; refinance.

(iii) Number of loans denied for each of the following: purchase; construction-permanent; refinance.

(iv) Number of loans withdrawn by applicant, for each of the following: purchase; construction-permanent; refinance.

(2) This information shall be updated monthly within 10 working days after the close of the month in a format consistent with the bank's recordkeeping procedures.

(3) A bank exempted under paragraph (a)(1) of this section shall be covered by this requirement beginning the month following any quarter in which their average monthly volume of home loan applications exceeds four applications per month. Banks which are subject to this paragraph may discontinue keeping this information beginning the month following two consecutive quarters in which their average monthly volume of home loan applications drops to four or fewer applications per month. A bank which is otherwise exempted under this paragraph may be required upon notification received from the Comptroller, to record and maintain such information where there is cause to believe that the bank is not in compliance with the fair housing laws based on prior examinations and/or has

substantive consumer complaints, among other factors.

(b) Information Required on Applications for Home Loans.

(1) Each bank shall attempt to obtain all of the information listed below, as part of completed applications for home loans:

(i) Loan Amount requested by the applicant(s).

(ii) Interest rate requested by the applicant(s).

(iii) Number of months requested to maturity by the applicant(s).

(iv) Location. Complete street address, city, county, state and zip code of the dwelling which will secure the loan.

(v) Number of residential units (1–4) of the dwelling which will secure the loan.

(vi) Year built. The year in which the dwelling which will secure the loan was built. If the exact year is unknown, approximate to the nearest decade.

(vii) Purpose of the loan. Purchase; refinance; or construction-permanent.

(viii) Name and present address of applicant(s).

(ix) Age of applicant(s).

(x) Marital status of applicant(s) using the categories married, unmarried and separated.

(xi) Number of years employed in present line of work or profession for the applicant(s).

(xii) Years on present job. Number of continuous years employed by the current employer of the applicant(s). For self-employed persons, the number of continuous years self-employed.

(xiii) Gross total monthly income of each applicant, comprising the sum of normal base salary, wages, overtime pay, bonuses, commissions, dividends, interest, rental income, retirement or disability income and income from part-time employment. For self-employed persons, include the average or normal monthly income. Include alimony, separate maintenance and child support income information only if the applicant has been advised that such information need not be provided and nevertheless elects to have it considered.

(xiv) Proposed monthly housing payment, comprising the sum of principal and interest. The bank may also include insurance, real estate taxes and any monthly assessments for home owner dues or condominium fees, and/or utilities if the bank considers these factors in computing housing costs. However, if the bank includes any of these factors for computing the monthly housing payment, it must do so consistently. When a bank changes its regular practice, such change and its effective date should be identifiable with respect to the bank's new policy.

(xv) Purchase price. Sales price or approximate current market value of the property which will secure the loan.

(xvi) Applicant's or applicants' total monthly payments on all outstanding liabilities. Include installment debts, real estate loans and any alimony, child support or separate maintenance payments. Exclude any payments on liabilities which will be satisfied upon sale of real estate owned or upon refinancing of property associated with this application.

(xvii) Net worth. Applicant's or applicants' total assets, including cash checking and savings accounts, stocks and bonds, cash value of life insurance, value of real estate owned, net worth of business owned, automobile, furniture and personal property and other assets, minus total liabilities, including installment debts, automobile loans, real estate loans, and any other debts, including stock pledges.

(xviii) Date of application. The date on which a signed application is received by the bank.

(xix) Sex of applicant(s).

(xx) Race/national origin of applicant(s) using the categories: American Indian, Alaskan Native; Asian or Pacific Islander; Black; Hispanic; White; Other.

(2) Information on race/national origin and sex.

(i) Disclosure to applicant.

(A) In collecting the information required under § 27.3(b)(1) (xix) and (xx), the bank shall advise an applicant, either orally or in writing, that:

(1) The information on race/national origin and sex is requested by the Federal Government if this loan is related to a home loan, in order to monitor the lender's compliance with equal credit opportunity and fair housing laws;

(2) The applicant is not required to furnish the information but is encouraged to do so. The law provides that a lender may neither discriminate on the basis of this information, nor on whether the applicant chooses to furnish it;

(3) However, if the applicant chooses not to furnish it, Federal regulations require the lender to note race and sex on the basis of visual observation or surname.

(B) Banks which use the Federal Home Loan Mortgage Corporation/Federal National Mortgage Association (FHLMC/FNMA) insert form ("Information for Government Monitoring Purposes") requesting this information will be in compliance with paragraph (b)(2)(i) of this section. A copy of the insert form is set forth in Appendix II.

(ii) If the applicant does not voluntarily provide the information on sex and race/national origin which the bank is required to record and maintain under § 27.3(b)(1) (xix) and (xx), the bank shall request the applicant to note that fact (by initials or otherwise) on the application, and the bank shall provide the information based on visual observation or surname. If the applicant does not voluntarily provide the information and does not initial or otherwise note that fact, the bank shall initial, or otherwise note that fact on the application, as well as provide the information based on visual observation or surname.

(c) Additional Information Required in the Loan File. In addition to the information required by § 27.3(b), each bank shall maintain the following information in each of its home loan files:

(1) If an appraisal is completed:

(i) The appraised value; and

(ii) The census tract number, where available, for those properties which are in a Standard Metropolitan Statistical Area (SMSA) in which the bank has a home office or branch office.

(2) Disposition of loan application. The disposition of the completed applications using the following categories:

(i) Withdrawn before terms were offered;

(ii) Withdrawn after terms were offered;

(iii) Denied;

(iv) Terms offered and accepted by applicant(s).

(3) If final terms are offered, whether or not accepted:

(i) The loan amount.

(ii) Whether private mortgage insurance is required, and if so, the terms of the insurance.

(iii) Whether a deposit balance is required, and if so, the amount.

(iv) The note (simple) interest rate.

(v) The number of months to maturity of the loan offered.

(vi) Points. The loan origination or discount fee(s) charged to the buyer, computed as a percentage of the loan amount.

(4) Commitment date. The date final terms were offered.

(5) The type of mortgage using the following categories: Standard Fixed Payment; Variable Rate; Graduated Payment; Rollover; Other.

(6) The name or identification of the bank office where the application was submitted.

(7) Whenever credit is denied, copy(s) of the Equal Credit Opportunity Act credit notice and statement of credit denial.

(8) Any additional information used by the bank in determining whether or not to extend credit, or in establishing the terms, including, but not limited to, credit reports, employment verification forms, Federal Income Tax Forms, availability of insurance, and the complete appraisal.

§ 27.4 Inquiry/Application Log.

(a) The Comptroller, among other things, may require a bank to maintain a Fair Housing Inquiry/Application Log ("Log"), based upon, but not limited to, one or more of the following causes:

(1) There is reason(s) to believe that the bank may be prescreening or otherwise engaging in discriminatory practices on a prohibited basis.

(2) Complaints filed with the Comptroller or letters in the Community Reinvestment Act file are found to be substantive in nature, indicating that the bank's home lending practices are, or may be, discriminatory.

(3) Analysis of the data compiled by the bank under the provisions of the Home Mortgage Disclosure Act (12 U.S.C. § 2801 et seq. and Regulation C of the Federal Reserve Board, 12 CFR § 203) indicates a pattern of significant variation in the number of home loans 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; Hispanic; Black; White, 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) of this Part.

(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), above, shall be recorded and maintained on the form set forth in Appendix III. Additional information may be recorded and maintained at the bank's discretion.

§ 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 will request the bank's monthly home loan activity information maintained under § 27.3(a) of this Part on the form prescribed as Appendix I. A bank which is exempt in whole or in part from maintaining the information required under § 27.3(a) and which has not otherwise been directed to maintain the information 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 bank's monthly home loan activity, 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 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 Monthly Home Loan Activity and Home Loan Data Submission Forms at more frequent intervals than specified in paragraphs (b) and (c) above.

Dated: October 29, 1979.

John G. Heimann,

Comptroller of the Currency.

BILLING CODE 4810-33-M

BANK NAME		DECISION CENTER NAME	NUMBER
OCC CHARTER #	TOTAL NUMBER OF DECISION CENTERS	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

YEAR / MONTH	HOME LOAN APPLICATIONS											
	PURCHASE				CONSTRUCTION—PERMANENT				REFINANCE			
	No. Received	No. Closed	No. Rejected	No. Withdrawn	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												

Appendix I

Appendix II

INFORMATION FOR GOVERNMENT MONITORING PURPOSES

The following language is approved by the Comptroller of the Currency and will satisfy the requirements of 12 CFR 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 to the applicant.

This 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 (initials)_____	CO-BORROWER: I do not wish to furnish this information (initials)_____
RACE/ NATIONAL ORIGIN: ☐ American Indian, Alaskan Native ☐ Asian, Pacific Islander ☐ Black ☐ Hispanic ☐ White ☐ Other (specify) _____	RACE/ NATIONAL ORIGIN: ☐ American Indian, Alaskan Native ☐ Asian, Pacific Islander ☐ Black ☐ Hispanic ☐ White ☐ Other (specify) _____
SEX: ☐ Female ☐ Male	SEX: ☐ Female ☐ Male

BANK NAME	OCC CHARTER NO.
BRANCH, OFFICE OR SUBSIDIARY NAME	
NAME OF PERSON RESPONSIBLE FOR FORM	PHONE NUMBER

COMPTROLLER OF THE CURRENCY FAIR HOUSING LENDING INQUIRY/APPLICATION LOG SHEET

CITY	
COUNTY	STATE
SMSA	

INSTRUCTIONS: Use the codes listed below. Indicate by an asterisk (*) if the information recorded is the banker's observation rather than the borrower's statement.

Race Codes: W — White; I — American Indian or Alaskan Native; A — Asian or Pacific Islander; B — Black; H — Hispanic; O — Other

Type of Loan: P — Purchase; R — Refinance; C — Construction—Permanent; F — FHA (Federal Housing Admin.); V — VA (Veteran's Administration); M — FmHA (Farmers Home Administration)

	Date of Application or Inquiry	Type of Loan Code	Inquiry or Application (I) or (A)	Case Identification (Case Number or Name/Address)	Inquirer or Applicant		Co-Inquirer or Co-Applicant		LOCATION OF PROPERTY WHICH WILL SECURE LOAN			
					Sex (M or F)	Race Code	Sex (M or F)	Race Code	Street & Number, City, State	County	Zip Code	Census Tract
1												
2												
3												
4												
5												
6												
7												
8												
9												

Appendix III

Appendix IV

COMPTROLLER OF THE CURRENCY
HOME LOAN DATA SUBMISSION

NAME OF BANK: _____

CHARTER NUMBER: (1-5)
DECISION CENTER NO. (6-9)

(Enter dollar amounts as whole dollars)

APPLICATION FORM

1. Application File Number _____ (10-21)
2. Amount of Loan Requested $ _____ (24-29)
3. Number of Months Requested to Maturity _____ (30-32)
4. County _____ (33-39)
5. State _____ (40-41)
6. Number of Units 1 2 3 4 (42)
7. Year House Was Built _____ (43-46)
8. Purpose of Loan 1 Purchase 2 Construction-Permanent 3 Refinance (47)

Applicant	11. **Co-Applicant?** 1 ☐ Yes 2 ☐ No (51) (If #11 is No, proceed to #14)
9. Age _____ (48-49)	12. Age _____ (52-53)
10. Marital Status (50)	13. Marital Status (54)
1 Married 2 Separated	1 ☐ Married 2 ☐ Separated
3 Unmarried (includes single, divorced, widowed)	3 ☐ Unmarried (includes single, divorced, widowed)

14. Applicant Gross Monthly Income $ _____ (55-60)
15. Co-Applicant Gross Monthly Income $ _____ (61-66)
16. Proposed Monthly Housing Payments $ _____ (67-71)
17. Purchase/Sales Price $ _____ (72-77)
18. Other Total Monthly Payments $ _____ (24-29)

Applicant	Co-Applicant (If none, proceed to #23)
19. Race: 1 American Indian, Alaskan Native (30)	21. Race: 1 ☐ American Indian, Alaskan Native (32)
2 Asian or Pacific Islander	2 ☐ Asian or Pacific Islander
3 Black 4 Hispanic	3 ☐ Black 4 ☐ Hispanic
5 White 6 ☐ Other	5 ☐ White 6 ☐ Other
20. Sex: 1 Female 2 ☐ Male (31)	22. Sex: 1 ☐ Female 2 ☐ Male (33)

23. Bank Relationship at Subject Bank (34)
    1 Current Banking Relationship 2 Past Banking Relationship
    3 No Banking Relationship 4 Unable to Determine

Appraisal

24. Census Tract _____ (35-40)
25. Appraised Value $ _____ (41-46)

Action Taken

26. Description of Action (47)
    1 Withdrawn Before Terms Were Offered
    2 Denied
    } (If checked, skip remaining questions)
    3 Withdrawn After Terms Were Offered
    4 Approved and Loan Closed
    } (If checked, complete remaining questions)

Terms of Mortgage or of Mortgage Offer

27. Commitment Date ___/___/___ (48-53) (M M D D Y Y)
28. Type of Mortgage (54)
    1 Standard Fixed Payment 2 Variable Rate
    3 Graduated Payment 4 Roll-Over 5 Other
29. Private Mortgage Insurance Required? (55)
    1 No 2 Yes
30. Loan Amount $ ___,___ (56-61)
31. Note (Simple) Interest Rate ___% (62-65)
32. Points to Buyer ___ (66-68)
33. Months to Maturity ___ (69-71)
34. Downpayment Amount $ ___,___ (72-77)

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