# Table of Contents

**I. Pre-Qualifications and Pre-Approvals**

A. ECOA – Regulation B
   1. Pre-qualification Inquiry
   2. Pre-qualification Application
   3. Other Regulations
B. Home Mortgage Disclosure Act – Regulation C
   1. Written Commitment
   2. Qualified Program
   3. Pre-Approval Scenarios
C. RESPA – Regulation X
   1. Preapprovals
   2. No Property Address
   3. Verification Documents

**II. Application**

A. ECOA – Regulation B
   1. Application
   2. Must an Application be in Writing?
   3. Joint Applications
   4. Collection of Government Monitoring Information
B. HMDA – Regulation C
   1. Coverage
   2. HMDA Reportable Loan Applications
   3. HMDA Does Not Apply To
   HMDA Temporary Financing Flowchart
   4. Government Monitoring Information
C. TILA – Regulation Z
   1. Coverage
   2. Application
D. RESPA – Regulation X
   1. Coverage
   2. Application
   3. Format
   4. Miscellaneous
   5. Guidance

**III. Denial**

A. Denials
   1. Coverage
   2. Record Retention
   3. Timing of Denial
   4. Reasons for Denial
   5. Regulatory Agencies
   6. Incomplete Applications
   7. Counteroffers
   8. Withdrawals
   9. Credit Reports
   10. Adverse Action Notices
   11. Multiple Applicants

**IV. Shopping Disclosures**

A. ECOA Appraisal Disclosure
   1. Coverage
   2. Key Terms
   3. Free Copy Notification
B. TILA – Regulation Z
   1. Credit Costs
   2. Open-End Credit
   3. Adjustable Rate Mortgage (ARM) Loans

* Words in Italics are taken directly from the applicable regulations.*
### Table of Contents

**Shopping Disclosures (Continued)**

4. Preliminary Truth in Lending Act Disclosure (Closed-End Loans) .................................................. 74 – 91
5. Mortgage Disclosure Improvement Act .................................................................................................. 91 – 98

**MDIA Timelines** ...................................................................................................................................... 94 – 99
6. Anti-Steering Provision ............................................................................................................................. 100 – 101

C. RESPA – Regulation X ............................................................................................................................. 101

1. General .................................................................................................................................................... 101
2. Special Information Booklet ..................................................................................................................... 101
3. Homeownership Counseling List ............................................................................................................ 102 – 104
5. Good Faith Estimate .................................................................................................................................. 107 – 142
6. Availability of GFE Terms ......................................................................................................................... 143
7. GFE Tolerances (When Compared to the HUD-1/1A) .............................................................................. 144

D. Recommended Settlement Service Provider List ...................................................................................... 145

1. Timing ..................................................................................................................................................... 145
2. List ............................................................................................................................................................ 145 – 147
3. Affiliated Business Arrangements ............................................................................................................. 148 – 149

Affiliated Business Arrangement Disclosure Statement Format Notice .................................................. 150
4. Average Charges ....................................................................................................................................... 151 – 152
5. Worksheets ................................................................................................................................................ 153

E. Fair and Accurate Credit Transactions Act ................................................................................................ 154

1. Notice to Home Loan Applicant ................................................................................................................ 154 – 156
2. Risk-Based Pricing Notice Requirements ................................................................................................. 157 – 177

F. Consumer Protections for Bank Sales of Insurance – Credit Disclosures ............................................... 178

1. Format & Timing ....................................................................................................................................... 178
2. Content ..................................................................................................................................................... 178
3. Customer Acknowledgement .................................................................................................................... 178 – 180

Consumer Credit Disclosure .................................................................................................................... 180

**V. Underwriting** ........................................................................................................................................ 181

A. Early Fee and Verification Restrictions .................................................................................................... 181

1. Preliminary Truth in Lending Disclosure .................................................................................................. 181
2. RESPA Good Faith Estimate ..................................................................................................................... 182

Notice of Intent to Proceed With Loan Application .................................................................................... 183

B. Ability To Repay, Qualified Mortgage Standards, High Cost Mortgages and Higher Priced Mortgage Loans ........................................................................................................................................... 184

1. General Definitions .................................................................................................................................. 184 – 186

Points and Fees in Plain English .................................................................................................................. 187
2. Ability To Repay ........................................................................................................................................ 188 – 215

Repayment Ability Risk & Requirements Matrix – Version 2.1 .................................................................. 193
3. High Cost Mortgages .................................................................................................................................. 216 – 230
4. Higher Priced Mortgage Loans .................................................................................................................. 231 – 242

C. Reviewing Credit Reports .......................................................................................................................... 243

1. Fraud Alerts ................................................................................................................................................ 243 – 244
2. Obtaining and Using Medical Information ................................................................................................ 245
3. Identity Theft Red Flags ............................................................................................................................. 246 – 251

ID Theft Prevention Program Red Flag Worksheet ....................................................................................... 252 – 253
4. Address Discrepancies ............................................................................................................................... 254 – 255

D. Real Estate Valuation Independence ........................................................................................................ 256

1. Coverage .................................................................................................................................................... 256
2. Key Terms ................................................................................................................................................ 256 – 257
3. Prohibited Actions ..................................................................................................................................... 257 – 261
4. Permitted Actions ....................................................................................................................................... 261
5. Violations – Coercion, Mischaracterization and Conflicts of Interest ....................................................... 262
6. Customary and Reasonable Compensation ............................................................................................... 262 – 264
7. USPAP, State or Federal Regulatory Violations ......................................................................................... 264

* Words in Italics are taken directly from the applicable regulations.*
Table of Contents

Underwriting (Continued)
E. Issuing a Revised Good Faith Estimate
   1. Lender Obligation
   2. Charged Circumstances
   3. Application Information
   4. Changed Circumstances Do Not Include
   5. Examples of Changed Circumstances
   6. Block #1 and Changed Circumstances
   7. Delivery and Documentation
   8. Intent to Proceed – Revised GFE’s
   GFE “Changed Circumstances” Checklist

VI. Pre-Closing
A. Free Appraisal/Valuation Copies
   1. Delivery
   2. Receipt
   3. Example
   4. Waiver
B. Flood Insurance
   1. Standard Flood Hazard Determination Form (SFHDF)
   2. Life of Loan Monitoring
      Standard Flood Hazard Determination Form
   3. Notice
      Notice of Special Flood Hazards & Availability of Federal Disaster Relief Assistance
   4. Amounts & Coverage
   5. Escrowing for Flood Insurance
   6. Letters of Map Change
      Flood Insurance Flowchart
   7. Secondary Market Investor Requirements
   8. Frequently Asked Questions
C. Regulation AA – Practices Involving Cosigners
   1. Cosigner
   2. Notice Requirements
   3. Model Notice

VII. Closing
A. TILA – Regulation Z
   1. Final Truth in Lending Disclosures
   2. Miscellaneous Lending Issues
   3. Right of Rescission
      Notice of Right of Rescission
B. RESPA – Regulation X
   1. HUD-1 and HUD-1A
   2. Settlement Statement Format
   3. Itemizing Charges
   4. Line by Line Instructions
   5. Escrows
   6. Comparison of the Good Faith Estimate and HUD-1/1A Charges
   7. Settlement Statement Violations
   8. Loan Terms
C. Privacy – Regulation P
   1. Applies
   2. New Customer Notification
   3. Annual Notice to Existing Customers

* Words in Italic are taken directly from the applicable regulations.
VIII. Post Closing

D. Consumer Protection for Bank Sales of Insurance – Sale of Insurance Disclosure
   1. Format & Timing
   2. Content
   Sale of Insurance Disclosure

E. Private Mortgage Insurance – Disclosure at Loan Closing
   1. Fixed Rate Loans
   2. Adjustable Rate Loans

VIII. Post Closing

A. HMDA – Regulation C
   1. Required Data
   2. Reportable Transactions
   3. LAR accuracy
   4. HMDA Risk Mitigation
      HMDA Report Proofs
   5. HMDA Help?
      HMDA Flowchart

IX. Loan Servicing

A. Closed End Loans – Refinancing vs. Renewals, Modifications, Extensions, Etc.
   1. Refinance
   2. Renewal
   3. Modification

B. Monitoring the Flood Insurance Requirements
   1. News Loans
   2. Existing Loans
   3. Correcting Errors
   4. Force Placement

C. Mortgage Servicing
   1. General Definitions
   2. Servicing & E-Sign
   3. Mortgage Servicing Disclosure Statement
   4. Periodic Statements
   5. Escrow Account Servicing
   6. ARM Rate change Notices
   7. Closed End Payment Processing
   8. Error Resolution Procedures
   9. Borrower Requests For Information
   10. Force Placed Insurance
   11. General Servicing
   12. Early Intervention With Delinquent Borrowers
   13. Continuity of Contact – Delinquent Borrowers
   14. Loss Mitigation Options

D. Section 404 Notice
   1. Coverage
   2. Disclosure

E. Crediting Open End Payments
   1. All Open-End Credit

F. Open End Periodic Statements
   1. Periodic Statements

G. Open End Change in Terms
   1. Change In Terms

* Words in Italics are taken directly from the applicable regulations.
Loan Servicing (Continued)

H. Fair and Accurate Credit Transactions Act
   1. Notice of Negative Information
   2. Affiliate Marketing
   3. Furnishers of Information
I. Privacy – Regulation P
J. Homeownership Counseling Housing & Urban Development Act of 1968
   1. Coverage
   2. Requirements
K. Service Members Civil Relief Act National Defense Authorization Act
   1. General
   2. Coverage
   3. Requirements
   4. Resource
   5. Sample Notice
L. Private Mortgage Insurance
   1. Annual Disclosures
   2. Cancellation & Termination
   3. Notification Upon Cancellation or Termination

X. Prohibited Acts or Practices

A. TILA – Regulation Z
   1. Arbitration Clauses and Waivers of Certain Consumer Rights
   2. Financing Credit Insurance
   3. Loan Originator Compensation
   4. Negative Amortization Counseling
B. RESPA Section 8
   1. Section 8 of the RESPA prohibits
   2. Key Terms
   3. Referral Fees
   4. Disclosures
   5. Other Prohibited Practices

XI. SAFE Act

A. Purpose
   1. Track Mortgage Loan Originators
   2. Enhance MLO Accountability
   3. Improve Customer Protection
   4. Reduce Mortgage Loan Related Fraud
   5. Provide Free Public Information Access To Specified MLO Background Information
B. SAFE Act Mortgage Loan Originator
   1. Includes
   2. Does Not Include
   3. BankersOnline MLO Questionnaire
C. TILA Mortgage Loan Originator
D. Coverage
   1. Applies To
   2. Does Not Apply To
E. General Requirements
   1. Register
   2. MLO Registration
   3. Policy and Procedures
F. NMLS Registry
G. Registration
   1. Prohibition
   2. Updates
   3. Annual Renewal
H. Unique Identifier
   1. Defined
   2. Required Use

* Words in Italicis are taken directly from the applicable regulations.
<table>
<thead>
<tr>
<th>Table of Contents</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SAFE Act (Continued)</strong></td>
<td></td>
</tr>
<tr>
<td>I. Policies &amp; Procedures</td>
<td>506</td>
</tr>
<tr>
<td>1. MLO Identification</td>
<td>506</td>
</tr>
<tr>
<td>2. MLO Notification</td>
<td>506</td>
</tr>
<tr>
<td>3. Unique Identifier</td>
<td>506</td>
</tr>
<tr>
<td>4. Adequate and Accurate Registration</td>
<td>506</td>
</tr>
<tr>
<td>5. Monitoring</td>
<td>506</td>
</tr>
<tr>
<td>6. Independent Testing</td>
<td>506</td>
</tr>
<tr>
<td>7. Contingency Actions</td>
<td>506</td>
</tr>
<tr>
<td>8. Background Screening</td>
<td>507</td>
</tr>
<tr>
<td>9. Third Party Oversight</td>
<td>507</td>
</tr>
<tr>
<td><strong>XII. Flood Reform</strong></td>
<td>508</td>
</tr>
<tr>
<td>A. Biggert Waters Flood Insurance Reform Act of 2012</td>
<td>508</td>
</tr>
<tr>
<td>1. 2012 Act</td>
<td>508</td>
</tr>
<tr>
<td>2. 2013 Interagency Guidance</td>
<td>508</td>
</tr>
<tr>
<td>B. Homeowner Flood Insurance Affordability Act of 2014</td>
<td>508</td>
</tr>
<tr>
<td>1. Date of Enactment</td>
<td>508</td>
</tr>
<tr>
<td>2. Guidance and Implementation</td>
<td>508</td>
</tr>
<tr>
<td>3. Affordability Framework Research and Plan</td>
<td>508</td>
</tr>
<tr>
<td>C. NFIP Extension</td>
<td>508</td>
</tr>
<tr>
<td>D. Civil Money Penalties (CMP)</td>
<td>509</td>
</tr>
<tr>
<td>1. CMP Per Violation</td>
<td>509</td>
</tr>
<tr>
<td>2. Unlimited CMP’s</td>
<td>509</td>
</tr>
<tr>
<td>E. Escrow Requirements</td>
<td>509</td>
</tr>
<tr>
<td>1. Residential Real Estate Collateral in SFHA</td>
<td>509</td>
</tr>
<tr>
<td>2. Required Escrow Asset Thresholds</td>
<td>509</td>
</tr>
<tr>
<td>3. Exemptions</td>
<td>510</td>
</tr>
<tr>
<td>4. Requirement to Provide Optional Flood Insurance Escrow</td>
<td>510</td>
</tr>
<tr>
<td>F. Detached Structures</td>
<td>511</td>
</tr>
<tr>
<td>1. New Mandatory Purchase Exemption</td>
<td>511</td>
</tr>
<tr>
<td>2. Required Disclosure</td>
<td>511</td>
</tr>
<tr>
<td>G. Multifamily Structures</td>
<td>511</td>
</tr>
<tr>
<td>1. Eligibility</td>
<td>511</td>
</tr>
<tr>
<td>2. Limits</td>
<td>511</td>
</tr>
<tr>
<td>3. Interagency Guidance</td>
<td>511</td>
</tr>
<tr>
<td>H. Force Placed Insurance Termination and Refund</td>
<td>512</td>
</tr>
<tr>
<td>1. Termination</td>
<td>512</td>
</tr>
<tr>
<td>2. Refund</td>
<td>512</td>
</tr>
<tr>
<td>3. Coverage Confirmation</td>
<td>512</td>
</tr>
<tr>
<td>I. RESPA Flood Insurance Availability Notice</td>
<td>512</td>
</tr>
<tr>
<td>J. Private Flood Insurance</td>
<td>512</td>
</tr>
<tr>
<td>1. Acceptability</td>
<td>512</td>
</tr>
<tr>
<td>2. Notice</td>
<td>512</td>
</tr>
<tr>
<td>K. Grandfathering</td>
<td>513</td>
</tr>
<tr>
<td>L. Premiums and Fees</td>
<td>513</td>
</tr>
<tr>
<td>1. Rate Increases</td>
<td>513</td>
</tr>
<tr>
<td>2. Newly Mapped SFHA Properties</td>
<td>513</td>
</tr>
<tr>
<td>3. Optional Monthly or Annual Installment Premiums</td>
<td>513</td>
</tr>
<tr>
<td>4. Annual Premium Surcharge</td>
<td>514</td>
</tr>
<tr>
<td>5. Biggert-Waters Flood Insurance Reform Act of 2012 Refunds</td>
<td>514</td>
</tr>
</tbody>
</table>

- Words in Italics are taken directly from the applicable regulations.
# Table of Contents

**Flood Reform (Continued)**

<table>
<thead>
<tr>
<th>Section</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>M. Deductibles</td>
<td>514</td>
</tr>
<tr>
<td>1. Optional $10,000 Maximum Residential Deductible</td>
<td>514</td>
</tr>
<tr>
<td>2. Minimum Deductibles</td>
<td>514</td>
</tr>
<tr>
<td>N. Mapping</td>
<td>515</td>
</tr>
<tr>
<td>1. New Mapping Program/Process</td>
<td>515</td>
</tr>
<tr>
<td>2. Reimbursements for Successful Map Appeals</td>
<td>515</td>
</tr>
<tr>
<td>O. Policy Disclosure</td>
<td>515</td>
</tr>
</tbody>
</table>

* Words in Italics are taken directly from the applicable regulations.