IV. Fair Lending Laws and Regulations

Contents

Fair Lending Laws and Regulations	**IV–1.1**
Introduction	IV–1.1
Lending Discrimination Statutes and Regulations	IV–1.1
Types of Lending Discrimination	IV–1.2
Disparate Treatment	IV–1.2
Disparate Impact	IV–1.2
General Guidelines	IV–1.3
Part I—Examination Scope Guidelines	**IV–1.3**
Background	IV–1.3
Step One: Develop an Overview	IV–1.6
Step Two: Identify Compliance Program Discrimination Risk Factors	IV–1.6
Step Three: Review Residential Loan Products	IV–1.7
Step Four: Identify Residential Lending Discrimination Risk Factors	IV–1.7
Step Five: Organize and Focus Residential Risk Analysis	IV–1.10
Step Six: Identify Consumer Lending Discrimination Risk Factors	IV–1.10
Step Seven: Analyze Commercial Lending Discrimination Risk	IV–1.10
Step Eight: Complete the Scoping Process	IV–1.10
Part II—Compliance Management Review	**IV–1.11**
Part III—Examination Procedures	**IV–1.11**
A. Verify Accuracy of Data	IV–1.11
B. Documenting Overt Evidence of Disparate Treatment	IV–1.11
C. Transactional Underwriting Analysis — Residential and Consumer Loans	IV–1.12
D. Analyzing Potential Disparities in Pricing and Other Terms and Conditions	IV–1.14
E. Steering Analysis	IV–1.15
F. Transactional Underwriting Analysis — Commercial Loans	IV–1.17
G. Analysis of Potential Discriminatory “Redlining”	IV–1.18
H. Analysis of Potential Discriminatory Marketing Practices	IV–1.23
I. Credit Scoring	IV–1.23
J. Disparate Impact Issues	IV–1.23
Part IV — Obtaining and Evaluating Responses From the Institution and Concluding the Examination	**IV–1.24**
Appendices	**IV–2.1**
Introduction	IV–2.1
Compliance Management Analysis Checklist	IV–2.1
Preventive Measures	IV–2.1
1. Lending Practices and Standards	IV–2.1
2. Compliance Audit Function: Does the Bank Attempt to Detect Prohibited Disparate Treatment by Self-Test or Self-Evaluation?	IV–2.5

3. Correcting Discriminatory Conduct	IV–2.9
Considering Automated Underwriting and Credit Scoring	IV–2.10
A. Structure and Organization of the Scoring System	IV–2.10
B. Adverse Action Disclosure Notices	IV–2.10
C. Disparate Treatment in the Application of Credit Scoring Programs	IV–2.10
D. Disparate Impact and Credit Scoring Algorithms	IV–2.11
E. Credit Scoring Systems that Include Age	IV–2.11
F. Examination for Empirical Derivation and Statistical Soundness	IV–2.11
Evaluating Responses to Evidence of Disparate Treatment	IV–2.11
A. Responses to Comparative Evidence of Disparate Treatment	IV–2.11
B. Responses to Overt Evidence of Disparate Treatment	IV–2.14
Identifying Marginal Transactions	IV–2.15
A. Marginal Denials	IV–2.15
B. Marginal Approvals	IV–2.15
Potential Scoping Information	IV–2.16
A. Internal Agency Documents and Records	IV–2.16
B. Information from the institution	IV–2.16
Fair Lending Sample Size Tables	IV–2.17
Table A — Underwriting (Accept/Deny) Comparisons	IV–2.17
Sample 1 — Prohibited Basis Denials	IV–2.17
Sample 2 — Control Group Approvals	IV–2.17
Table B — Terms and Conditions Comparisons	IV–2.17
Sample 1 — Prohibited Basis Denials	IV–2.17
Sample 2 — Control Group Approvals	IV–2.17
Explanatory Notes to Sample Size Tables	IV–2.17
Special Analyses	IV–2.19
A. Disproportionate Adverse Impact Violations	IV–2.19
B. Conditions	IV–2.19
Obtaining the institution's response	IV–2.20
Evaluating and following up on the response	IV–2.20
Discriminatory Pre-Application Screening	IV–2.20
C. Possible discriminatory marketing	IV–2.20
Using Self-Tests and Self-Evaluation to Streamline the Examination	IV–2.21
FDIC Fair Lending Scope and Conclusions Memorandum	IV–3.1
Fair Lending — References	IV–4.1