



**EQUAL CREDIT OPPORTUNITY ACT
FAIR HOUSING ACT
OTS NONDISCRIMINATION REGULATIONS
Checklist**

	Yes	No		Yes	No
1. Does the institution ensure that its representatives do not make, and its advertising does not include, statements that would discourage, on a prohibited basis, a person from making or pursuing an application? [§202.5(a) and §528.4]			3. Does the institution provide a copy of the appraisal report used in connection with an application for credit that is to be secured by a dwelling? [§202.5a]		
2. Does the institution ensure that it limits requests for information about:			4. Does the institution ensure that it does not take a prohibited basis into account when evaluating the creditworthiness of applicants, [§202.6(b)(1) and §528.2(c)] except for age, and then only when [§202.6(b)(2)]:		
<ul style="list-style-type: none"> applicant race, sex, marital status and age to what is required for monitoring purposes for loans secured by a dwelling? [§202.5(b), §202.13(a)] 			<ul style="list-style-type: none"> the age of an elderly applicant is used to favor that applicant in extending credit; and either 		
<ul style="list-style-type: none"> an applicant's spouse or former spouse to situations where such person will be liable on or use the account, or where their income, property, alimony, child support or maintenance payments are a basis for repayment of the loan? [§202.5(c)(2)] 			<ul style="list-style-type: none"> the applicant's age is used as a predictive variable in an empirically derived, demonstrably and statistically sound credit scoring system, provided that the age of an elderly applicant is not assigned a negative factor or value; or 		
<ul style="list-style-type: none"> the marital status (recorded only as married, unmarried and separated) of an applicant if the application is for other than individual unsecured credit? [§202.5(d)(1)] 			<ul style="list-style-type: none"> the applicant's age is used for the purpose of determining a pertinent element of creditworthiness in a judgmental underwriting system? 		
<ul style="list-style-type: none"> whether applicant's income is derived from alimony, child support, or separate maintenance payments until after applicant is advised of the option to exclude such income sources (and information about them) from a determination of his or her creditworthiness? [§202.5(d)(2)] 			5. When evaluating an applicant's creditworthiness, does the institution ensure that it does not take into account information about applicant's child rearing or child bearing propensities, or applicant's possession of a telephone listing? [§202.6(b)(3) & (4)]		
<ul style="list-style-type: none"> the applicant's optional designation of a "title" (e.g., Mr., Mrs., Miss or Ms.), and does not ask about applicant's sex or use any terms other than those that are neutral as to sex on an application form? [§202.5(d)(3)] 			6. Does the institution ensure that it does not improperly discount or exclude the income of an applicant (or spouse) due to a prohibited basis, or because it is derived from part-time employment, an annuity, pension or other retirement benefit, or where the applicant relies on alimony, child support or separate maintenance payments? [§202.6(b)(5)]		
<ul style="list-style-type: none"> applicant's dependents, and does not ask about applicant's birth control practices, intentions concerning childbearing or rearing, or capability to bear children? [§202.5(d)(4)] 			7. When considering an applicant's credit history, does the institution ensure that it considers:		
			<ul style="list-style-type: none"> all accounts designated as accounts that the applicant and applicant's spouse are permitted to use, or for which both are contractually liable; 		



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<ul style="list-style-type: none"> • on applicant's showing, information that tends to indicate that the reported credit history does not accurately reflect the applicant's creditworthiness; and • at applicant's request, any available credit history of a spouse or former spouse that applicant demonstrates accurately reflects applicant's creditworthiness? [§202.6(b)(6)] 				<ul style="list-style-type: none"> • the name and address of the creditor's regulator? and either <ul style="list-style-type: none"> a statement of specific reasons for the action? [§202.9(b)(2)] or a disclosure of the process by which to receive such reasons? [§202.9(a)(2)] 			
8. With respect to existing open-end accounts, does the institution ensure that it does not terminate or change the terms of the account, or require reapplication on the basis of the account holder's age, retirement, or change of name or marital status, unless there is evidence of the obligor's inability or unwillingness to repay? [§202.7(c)]				12. When applications are submitted through a third party, does the institution ensure that the applicant is properly notified of action taken? [§202.9(g)]			
9. Does the institution ensure that it does not require signature of a spouse (or other person) on a credit instrument, unless: (a) the spouse (or other person) is a joint applicant; (b) the applicant's creditworthiness is based, in part, by property jointly owned with the proposed co-signor; (c) the transaction involves property subject to state law community property interests; or (d) in cases of secured credit, the signature is reasonably necessary to assure the property offered will be available for the debt? [§202.7(d)]				13. When responding to credit inquiries or otherwise furnishing credit information, does the institution ensure that it properly reports information about accounts in which both spouses participate? [§202.10]			
10. Does the institution ensure that it does not refuse to extend credit, or terminate an account, because credit life, health, accident, disability, or other credit-related insurance is not available on the basis of the applicant's age? [§202.7(e)]				14. With respect to non-business credit, does the institution retain for 25 months (after notice of action taken or notice of incompleteness) [§202.12(b)]: <ul style="list-style-type: none"> • the application and all material supporting the evaluation thereof? • all information obtained for monitoring purposes? • the notification of action taken? • a statement of specific reasons for adverse action? • discrimination complaints under Regulation B? 			
11. Does the institution notify applicants of action taken on their applications in a manner that is timely under Regulation B [§202.9(a)(1)], and when notification is of adverse action is it in writing and does it contain: <ul style="list-style-type: none"> • the name and address of the creditor? • an accurate statement of the action taken? • a statement of the provisions of §701(a) of ECOA? [§202.9(b)(1)] 				15. Does the institution ensure that it retains all information from a file under investigation until final disposition of the investigation and any resulting enforcement action?			
				16. Does the institution ensure that it retains application materials concerning business credit for the time period (12 months), and in the form, required by Regulation B?			



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17. Does the institution ensure that it does not discriminate against any person because of race, color, religion, sex, handicap, familial status, or national origin in the making, purchasing, or pricing of any loan, or other financial assistance, for purchasing, constructing, improving, repairing or maintaining a dwelling? [Fair Housing Act § 805]			20. Does the institution have clearly written, non-discriminatory underwriting guidelines, readily available to the public upon request? [[§528.2a (b)]		
18. Does the institution ensure that it does not discriminate in the making, purchasing, or pricing of any loan because of the age or location of the property, or because of the race, color, religion, sex, handicap, familial status, marital status, age or national origin of any applicant, co-applicant, prospective tenant of the owner, or the occupants of other dwellings in the vicinity? [§ 528.2(a)]			21. Does the institution properly include in its advertisements, a facsimile of the Equal Housing lender logotype and legend, and does it post and maintain one or more Equal Housing Lender Posters (in the prescribed format) in the lobby of each of its offices in a prominent place readily apparent to persons seeking loans? [§528.4 & .5]		
19. Does the institution ensure that it does not use or rely upon an appraisal of a dwelling that improperly discriminates on the basis of the age or location of the dwelling? [§ 528.2a(a)]			22. Does the institution ensure that it properly maintains and reports its HMDA LAR, including the requirement to record and report denial reasons? [§528.6]		