

Please also view our related 2009 report [*The Community Reinvestment Act of 1977: Not Guilty*](#)

**The Community Reinvestment Act:
A Welcome Anomaly in the Foreclosure Crisis**

**Indications that the CRA Deterred Irresponsible Lending
in the 15 Most Populous U.S. Metropolitan Areas**

January 7, 2008

Prepared by:

**TRAIGER & HINCKLEY LLP
Attorneys at Law
880 Third Avenue
New York, NY 10022
(212) 752-1161
www.traigerlaw.com**

© 2008 Traiger & Hinckley LLP

This study is not intended to provide and should not be relied on as a source of legal advice.

TRAIGER & HINCKLEY LLP

TABLE OF CONTENTS

About Traiger & Hinckley LLP ii

Acknowledgements ii

Purpose of Study 1

Summary Conclusions 1

Discussion 2

 (1) **High Cost Loans** 2

 • All Borrowers 2

 Figure 1: All Loan Market Share 2

 Figure 2: High Cost Loans as a Percentage of Total Originations
 by CRA Banks and Other Lenders 3

 • Low- and Moderate-Income Borrowers 4

 Figure 3: LMI Loan Market Share 4

 Figure 4: High Cost Loans as a Percentage of Total Originations
 to LMI Borrowers by CRA Banks and Other Lenders 5

 (2) **APR on High Cost Loans** 5

 • All Borrowers 5

 Figure 5: Average Rate Spreads on High Cost Loans Originated
 by CRA Banks and Other Lenders 6

 • LMI Borrowers 6

 Figure 6: Average Rate Spreads on High Cost Loans
 to LMI Borrowers by CRA Banks and Other Lenders 7

 (3) **Loan Retention** 7

 Figure 7: Proportion of Loans Held in Portfolio 8

 (4) **Bank Branch Concentration and Property Foreclosure Rates** 9

 Figure 8: Foreclosure Rates and Bank Branch Concentration 9

Conclusion 11

Appendix A A 1

 Figure A-1: Foreclosure Rates and Proportion of High Cost Loans A 1

 Figure A-2: Proportion of All Loans Held in Portfolio A 2

 Figure A-3: Proportion of All High Cost Loans Held in Portfolio A 2

 Figure A-4: Proportion of All Loans to LMI Borrowers Held in Portfolio A 3

 Figure A-5: Proportion of All High Cost Loans to LMI Borrowers Held in Portfolio A 3

 Figure A-6: Foreclosure Rates and Bank Branch Concentration A 4

Appendix B: Methodology B 1

Please also view our related 2009 report [*The Community Reinvestment Act of 1977: Not Guilty*](#)

ABOUT TRAIGER & HINCKLEY LLP

Traiger & Hinckley LLP offers a unique, integrated approach to providing fair lending counsel. We combine the expertise of our in-house analytical and legal fair lending groups to offer clients an effective and convenient means of implementing a strong compliance program, as well as responding to specific regulatory issues. Our lawyers and statisticians advise a wide range of institutions on complying with federal and state anti-discrimination laws, including the Fair Housing Act, Equal Credit Opportunity Act, Community Reinvestment Act, and Home Mortgage Disclosure Act.

This study is our third annual analysis of publicly available home purchase mortgage lending data. The prior studies of 2005 and 2004 lending data are available on our website. No lender commissioned or was otherwise involved in conducting any of these studies.

ACKNOWLEDGEMENTS

Traiger & Hinckley LLP gratefully acknowledges the important contributions to this study made by Del V.I., LLC, Geosegment Systems Corporation, and The Schoenkin Group, Inc.

TRAIGER & HINCKLEY LLP

Purpose of Study

Much of the responsibility for the recent spike in foreclosure rates, one of the symptoms of the “subprime crisis,” has been placed on lenders who failed to appropriately assess the risks involved in the loans they originated. Such lenders allegedly overlooked weak borrower credit histories, high loan-to-value ratios, and sketchy borrower income documentation to originate high cost loans that were promptly sold to third parties. Federal Reserve Chairman Bernanke summarized the process that led to the crisis in congressional testimony last fall:

The originate-to-distribute model seems to have contributed to the loosening of underwriting standards in 2005 and 2006. When an originator sells a mortgage and its servicing rights, depending on the terms of the sale, much or all of the risks are passed on to the loan purchaser. Thus, originators who sell loans may have less incentive to undertake careful underwriting than if they kept the loans. Moreover, for some originators, fees tied to loan volume made loan sales a higher priority than loan quality. This misalignment of incentives, together with strong investor demand for securities with high yields, contributed to the weakening of underwriting standards.¹

This study isolates the 2006 performance of one category of mortgage lenders—banks originating loans in their Community Reinvestment Act (CRA) assessment areas, referred to herein as “CRA Banks.” Our hypothesis is that the CRA, which requires banks to help serve the credit needs of their local communities, including low- and moderate-income (LMI) neighborhoods, consistent with safe and sound banking practices, may have deterred banks from engaging, at least in their local communities, in lending practices that fuel foreclosures.

To test our hypothesis, we analyzed 2006 Home Mortgage Disclosure Act (HMDA) data to compare the lending performance of CRA Banks² with other lenders in the 15 most populous U.S. metropolitan statistical areas (MSAs). Four areas relevant to the foreclosure crisis were reviewed: (1) the proportion of high cost loans; (2) the pricing of high cost loans; (3) the proportion of originated loans retained by the lender; and (4) the relationship between foreclosure rates and concentration of bank branches.

Summary Conclusions

Our study concludes that **CRA Banks were substantially less likely than other lenders to make the kinds of risky home purchase loans that helped fuel the foreclosure crisis.** Specifically, our analysis shows that:

- (1) CRA Banks were significantly less likely than other lenders to make a high cost loan;

¹ Testimony of Federal Reserve Board Chairman Ben S. Bernanke on Subprime Mortgage Lending and Mitigating Foreclosures, before the Committee on Financial Services, U.S. House of Representatives, September 20, 2007.

² In computing the lending performance of a CRA Bank, only loans originated by the bank are included. While a bank has the option of including affiliate lending in its CRA assessment (12 CFR §228.22(c)), only direct lending must be assessed. We note, however, that the conclusions of this report would not be affected by including affiliate lending in the lending performance of CRA Banks.

TRAIGER & HINCKLEY LLP

- (2) The average APR on high cost loans originated by CRA Banks was appreciably lower than the average APR on high cost loans originated by other lenders;
- (3) CRA Banks were more than twice as likely as other lenders to retain originated loans in their portfolio; and
- (4) Foreclosure rates were lower in MSAs with greater concentrations of bank branches.

Discussion

(1) High Cost Loans

High cost loans³ are a primary driver of the foreclosure crisis, as borrowers who are unable to afford their mortgage payments default on their loans. There is a very high statistical correlation (0.816) between the proportion of lending that is high cost and the foreclosure rate in the MSAs analyzed.⁴ Default rates are expected to rise in 2008, as monthly payments increase on mortgage products that permitted borrowers to pay lower “teaser” rates for the first few years of a loan.⁵

- All Borrowers

Unlike other lenders, whose market share of high cost loans in the 15 most populous MSAs was greater than their overall market share, CRA Banks had a significantly lower market share of high cost loans than of all loans.

All Loan Market Share
2006 Conventional, Owner-Occupied, 1st Lien, Home Purchase Loans in 15 Most Populous MSAs

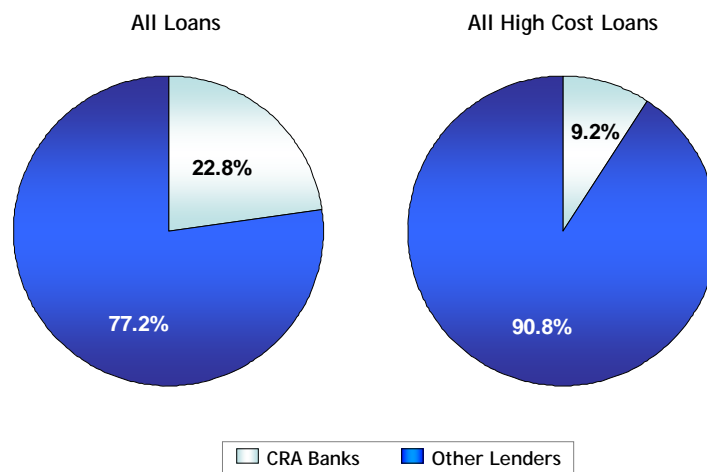


Figure 1

³ For first lien loans, HMDA requires lenders to report the spread between the APR and comparable Treasury yield, where the spread is at least three percentage points. These loans are deemed “high cost.” 12 CFR §203.4(b)(12).

⁴ See, Figure A-1 in Appendix A.

⁵ See, “Rising Rates to Worsen Subprime Mess Interest Payments Set To Grow on \$362 Billion In Mortgages in 2008,” *Wall Street Journal*, November 24, 2007, Page A1.

TRAIGER & HINCKLEY LLP

Indeed, in each of the 15 most populous MSAs, CRA Banks were less likely than other lenders to originate a high cost loan. Overall, CRA Banks were 66 percent less likely than other lenders to originate a high cost loan.

**High Cost Loans as a Percentage of Total Originations
by CRA Banks and Other Lenders**

2006 Conventional, Owner-Occupied, 1st Lien, Home Purchase Loans in 15 Most Populous MSAs

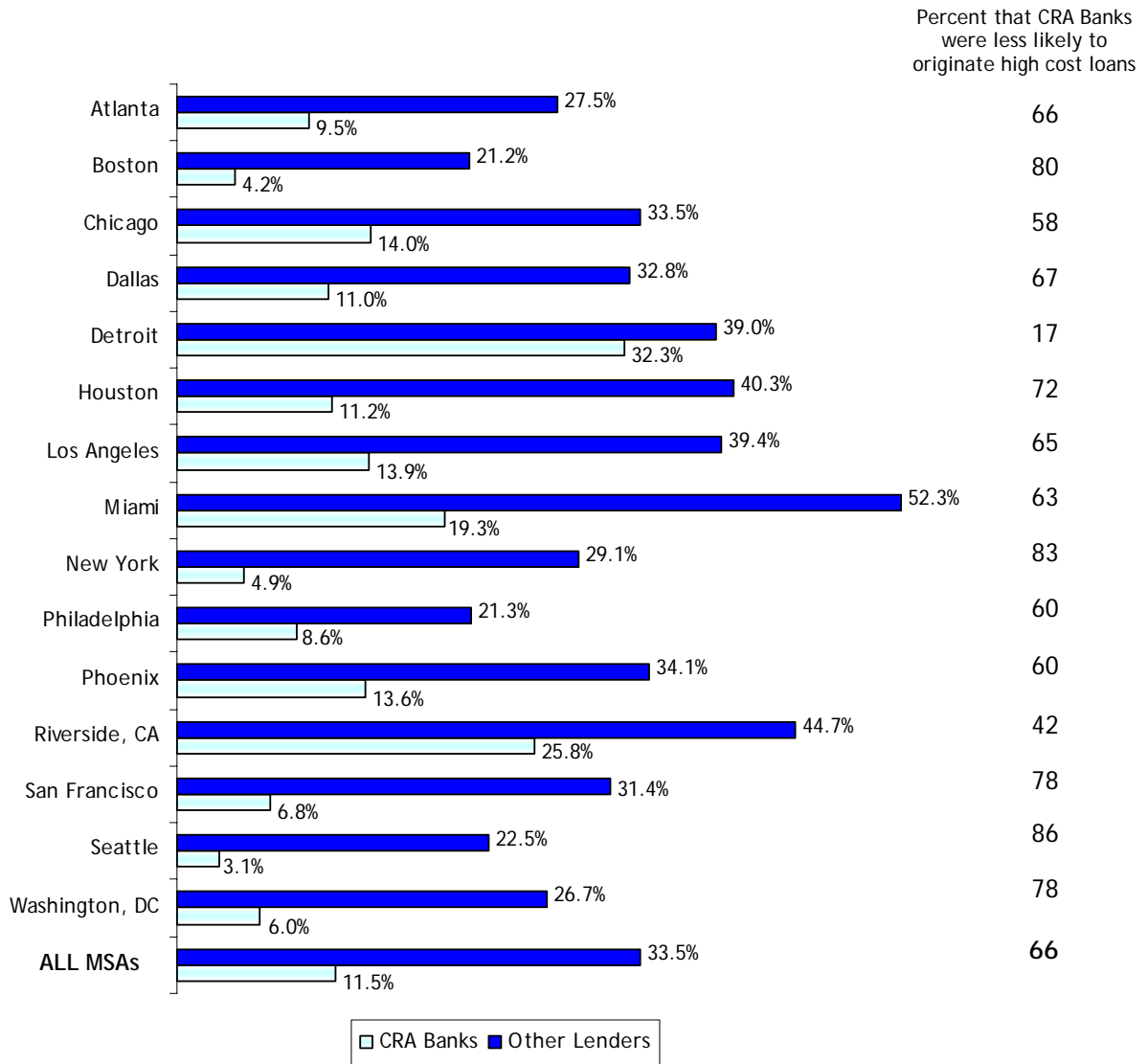


Figure 2

Significantly, the lower proportion of high cost loan originations by CRA Banks was not caused by CRA Banks being more likely to deny a loan application. In the 15 MSAs analyzed, CRA Banks were 16 percent less likely than other lenders to deny an application. (CRA Banks had a 15.2 percent denial rate; other lenders had an 18.1 percent denial rate.)

TRAIGER & HINCKLEY LLP

- Low- and Moderate-Income Borrowers

The foreclosure crisis particularly impacts LMI borrowers:

[Lower-income borrowers] are increasingly devoting more than half of their income to housing costs. . . It is easy to imagine that for low-income households living at the margins of their budgets, even small increases in monthly housing costs can have a significant effect on their ability to cover living expenses and keep up with their monthly payments. If one considers the potential for other payment shocks, such as unforeseen medical expenses, the risks of default and foreclosure are even greater.⁶

Serving the credit needs of LMI borrowers is arguably the most important facet of a CRA performance examination, which evaluates a bank according to the number and amount of LMI loans originated or purchased in its assessment area.⁷ Like total lending, CRA Banks' market share of high cost loans made to LMI borrowers was significantly lower than their market share of all loans to LMI borrowers in the 15 most populous MSAs.

LMI Loan Market Share
2006 Conventional, Owner-Occupied, 1st Lien, Home Purchase Loans in 15 Most Populous MSAs

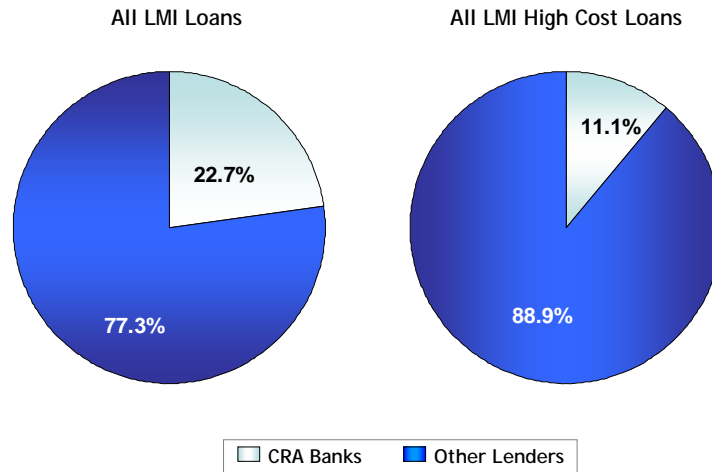


Figure 3

Overall, CRA Banks were 58 percent less likely than other lenders to originate high cost loans to LMI borrowers.

⁶ Cytron and Lanzerotti, "Homeownership at High Cost Recent Trends in the Mortgage Lending Industry," *Community Investments* (published by the Federal Reserve Bank of San Francisco), December 2006 (footnote omitted).

⁷ 12 CFR 228.22(b)(3).

TRAIGER & HINCKLEY LLP

**High Cost Loans as a Percentage of Total Originations to LMI Borrowers
by CRA Banks and Other Lenders**
2006 Conventional, Owner-Occupied, 1st Lien, Home Purchase Loans in 15 Most Populous MSAs

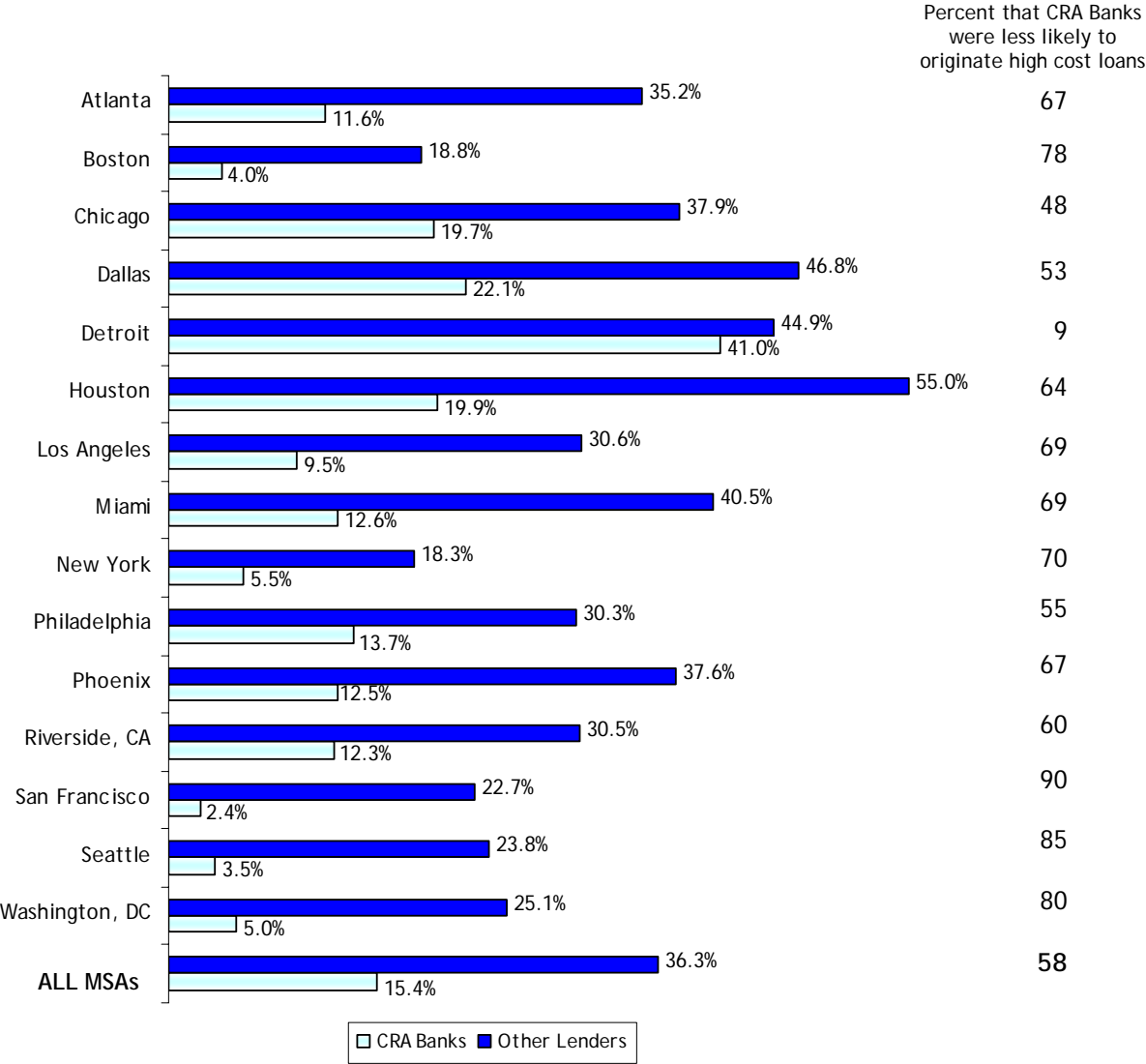


Figure 4

(2) APR on High Cost Loans

- All Borrowers

When CRA Banks did originate high cost loans, the average APR was appreciably lower than the average APR on high cost loans originated by other lenders. Overall, the average high cost loan made by CRA Banks was priced 68 basis points lower than the average high cost loan originated by other lenders.

TRAIGER & HINCKLEY LLP

**Average Rate Spreads on High Cost Loans Originated
by CRA Banks and Other Lenders**

2006 Conventional, Owner-Occupied, 1st Lien, Home Purchase Loans in 15 Most Populous MSAs

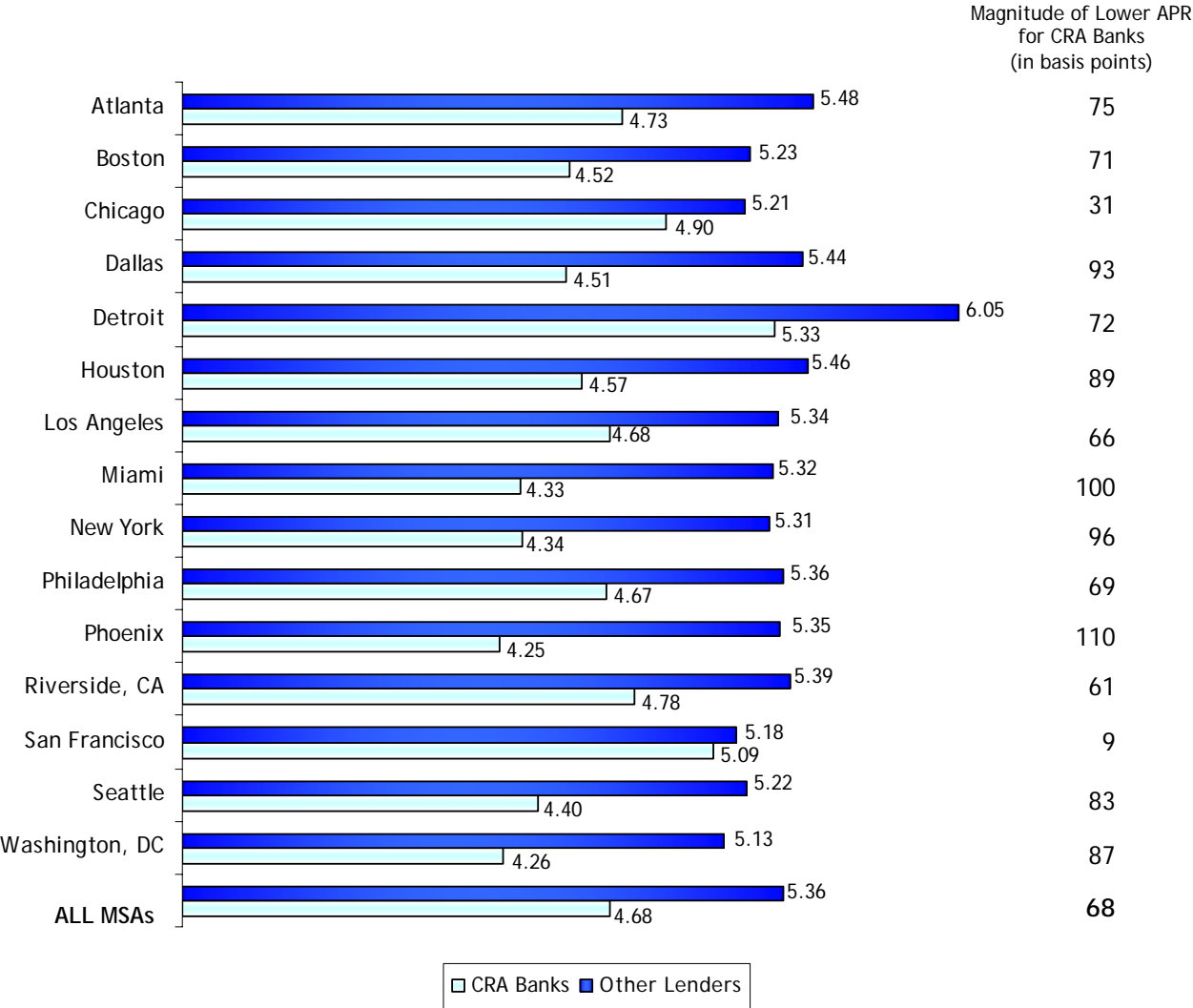


Figure 5

- LMI Borrowers

The APR difference on high cost loans originated to LMI borrowers was even greater than the difference for all loans. Overall, high cost loans made by CRA Banks to LMI borrowers were priced 74 basis points lower than high cost loans originated to LMI borrowers by other lenders.

TRAIGER & HINCKLEY LLP

**Average Rate Spreads on High Cost Loans to LMI Borrowers
by CRA Banks and Other Lenders**

2006 Conventional, Owner-Occupied, 1st Lien, Home Purchase Loans in 15 Most Populous MSAs

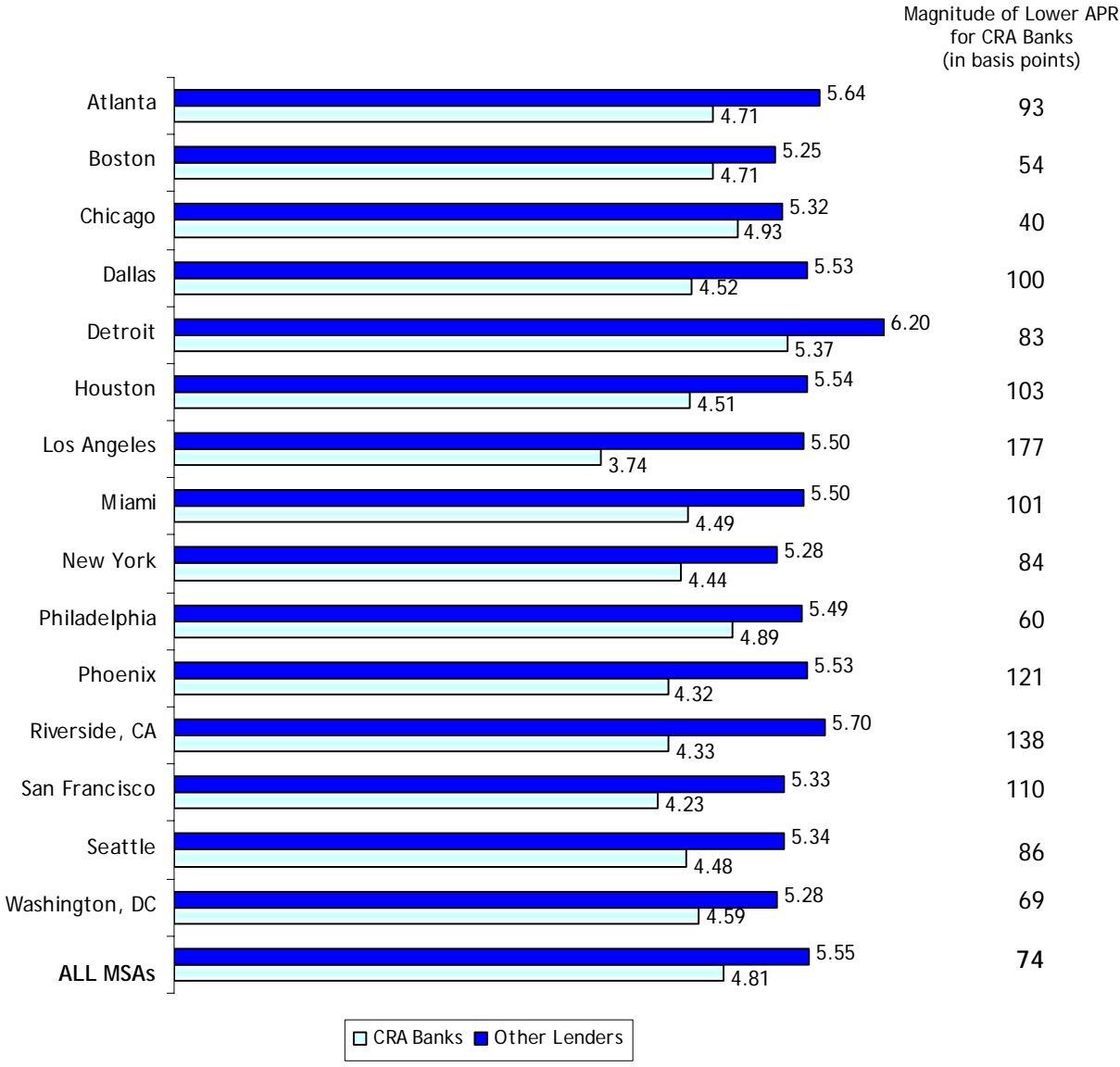


Figure 6

(3) Loan Retention

As noted by Chairman Bernanke above, “originators who sell loans may have less incentive to undertake careful underwriting than if they kept the loans.” Federal Reserve Governor Randall S. Kroszner recently added:

[T]he originate-to-distribute model can leave lenders with weaker incentives to maintain strong underwriting standards. In particular, originators who securitize may inadequately screen potential borrowers unless investors provide oversight and insist on practices that align originator incentives with the underlying risk.

TRAIGER & HINCKLEY LLP

The originate-to-distribute system is thus not only a potential source of risk to the financial system but also raises concerns regarding consumer protection.⁸

CRA Banks were more than twice as likely as other lenders to retain originated loans in their portfolio. While banks in general would be expected to retain more loans than non-depository lenders, our study also found that CRA Banks were significantly more likely to retain loans they originate in their CRA assessment areas than banks without CRA responsibilities in those areas (Non-CRA Banks). As indicated below, this distinction held for all loans, high cost loans, loans to LMI borrowers, and high cost loans to LMI borrowers.

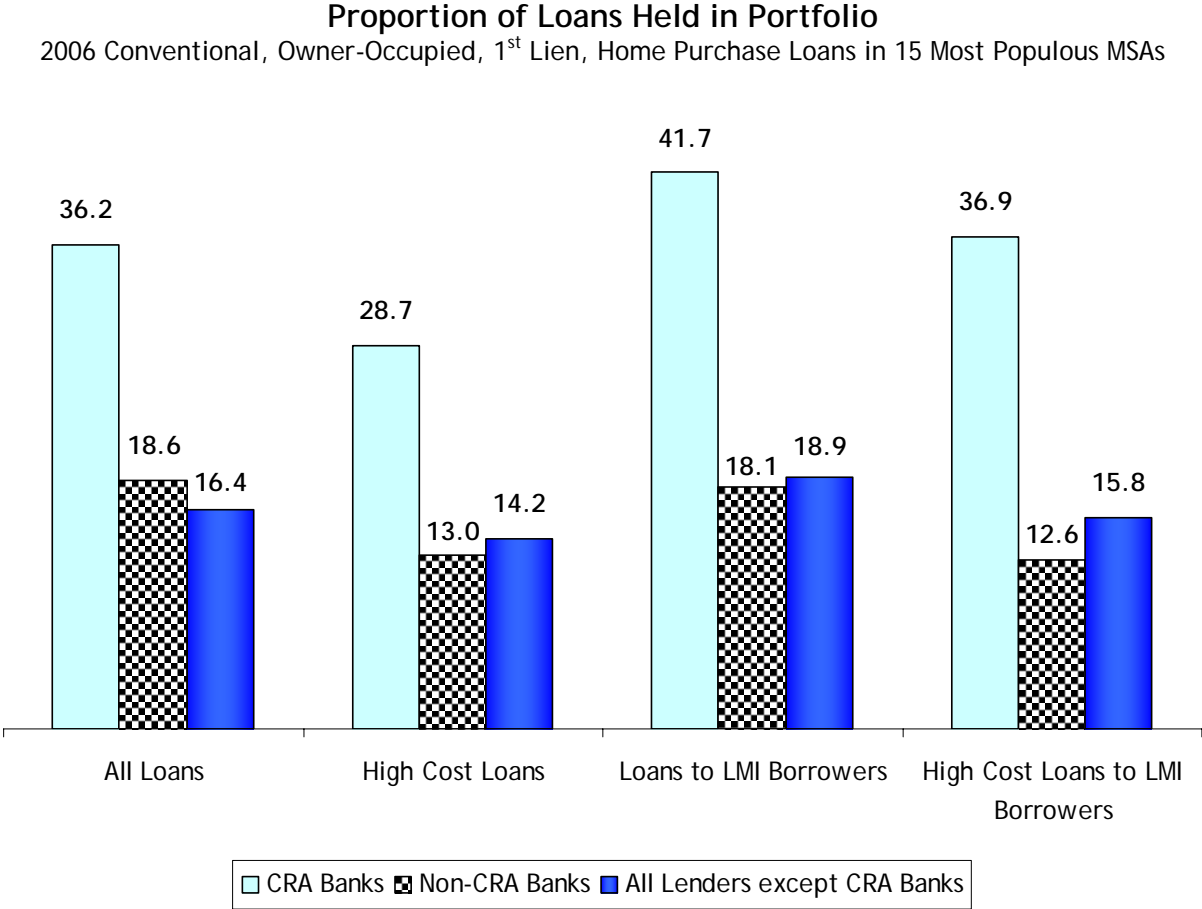


Figure 7

With few exceptions, these overall findings were reflected in the findings for each metropolitan area analyzed. Please see Figures A-2 through A-5 in Appendix A for details.

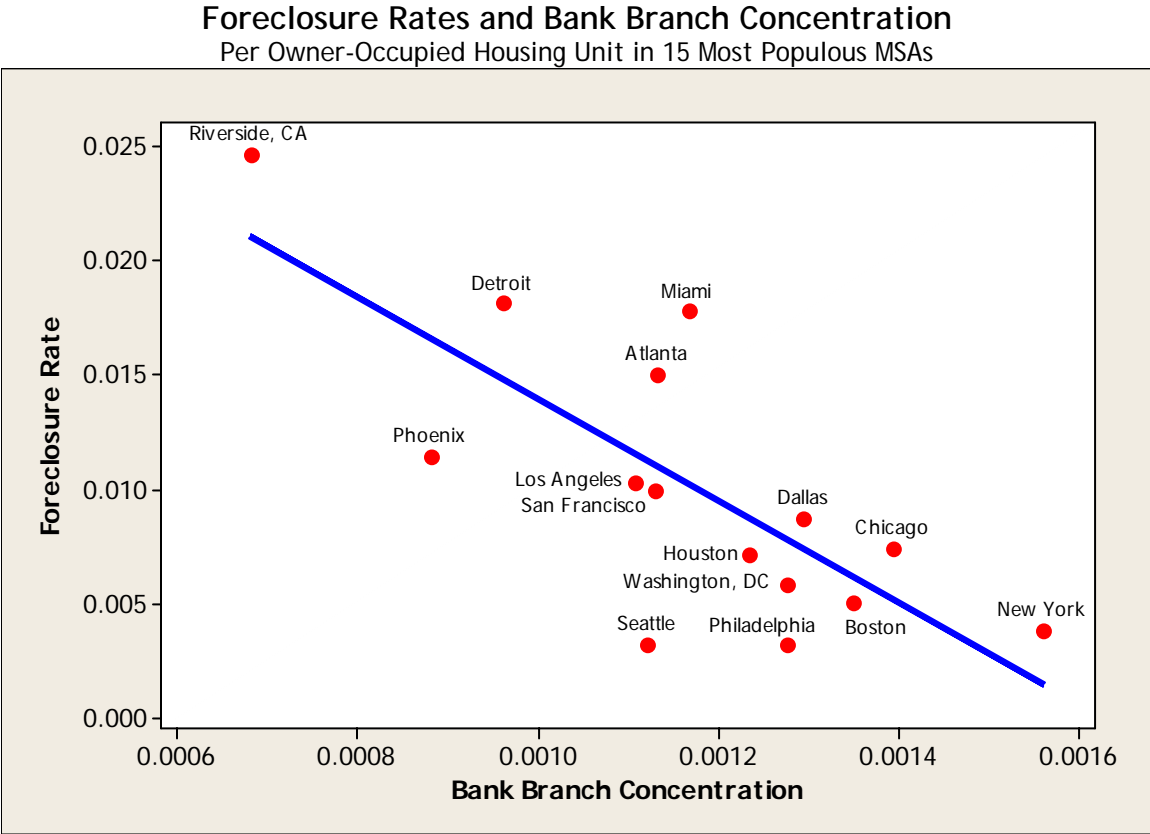
⁸ Speech of Governor Randall S. Kroszner at the Consumer Bankers Association 2007 Fair Lending Conference, Washington, D.C., November 5, 2007.

TRAIGER & HINCKLEY LLP

(4) Bank Branch Concentration and Property Foreclosure Rates

Foreclosure rates are lower in metropolitan areas that have proportionately more bank branches. For the reasons explained below, we suspect that the CRA’s focus on service to communities where a bank’s branches are located may have caused CRA Banks to more carefully underwrite loans and, consequently, make fewer nonperforming loans.

Overall, our study found a very high negative statistical correlation (-0.764) between the number of bank branches and the number of properties with foreclosure filings per owner-occupied housing unit. The graph below contrasts each MSA’s foreclosure rate to its proportional number of bank branches. Note the trend line which indicates that the higher a metropolitan area’s concentration of bank branches, the lower the foreclosure rate there.



Sources: Foreclosure data is for the third quarter of 2007 and derived from RealtyTrac’s® press release dated November 14, 2007; bank branch data is from the FDIC.

Figure 8

Foreclosure rates are obviously impacted by a range of economic and demographic factors, including, according to the Federal Reserve Bank of Boston, housing prices and unemployment rates.⁹ However, the negative correlation between bank branch concentration and foreclosure rate was substantially higher in absolute value than the correlation between

⁹ Gerardi, Shapiro, and Willen, “Subprime Outcomes: Risky Mortgages, Homeownership Experiences, and Foreclosures,” Federal Reserve Bank of Boston Working Paper 07-15 analyzing homeownership experiences in Massachusetts, December 3, 2007.

TRAIGER & HINCKLEY LLP

foreclosure rate and unemployment rate (0.574)¹⁰ and slightly higher in absolute value than the negative correlation between foreclosure rate and change in housing prices (-0.721).¹¹

A bank's CRA responsibilities to a community emanate from the presence of a branch there¹² and, as noted above, a bank's record of serving the credit needs of LMI borrowers in its community is arguably the most important facet of CRA compliance. In addition, CRA examinations assess a bank's distribution of branches and its "record of opening and closing branches, particularly branches located in LMI geographies or primarily serving LMI individuals."¹³ The CRA's emphasis on branches may have helped limit the proportion of high cost lending for two reasons.

First, ready access to a bank branch allows a borrower to conveniently apply for a mortgage loan directly from a local institution. This obviates the need to use a mortgage broker, where loans are often more expensive.¹⁴ In its review of 2004 HMDA data, Federal Reserve Board staff noted:

[T]he incidence of higher-priced lending was significantly higher for borrowers who lived outside the assessment areas of lenders covered by the CRA than for those who lived inside these areas. The HMDA data do not provide a reason for this pattern, but several explanations that warrant further research are possible. For example, the difference may be due, at least in part, to a reliance on different delivery channels for loans within and outside these lenders' assessment areas.¹⁵

Second, the CRA's mandate to serve local communities may, albeit indirectly, encourage CRA Banks to more closely scrutinize the creditworthiness of borrowers who submit loan applications at their assessment area branches. The more loans a CRA Bank makes in its assessment area, especially to LMI borrowers, the greater the likelihood that examiners will conclude it is fulfilling its CRA obligations. Therefore, in order to compete with other lenders in their CRA assessment area, CRA Banks may price loans more aggressively there. Heightened scrutiny of a borrower's creditworthiness minimizes the likelihood of mistaking a person with good credit as a poor credit risk. It may also have the collateral effect of reducing the likelihood that a CRA Bank would inadvertently offer higher cost loans to prospective borrowers who actually qualify for less expensive loans. The lower loan rates, and the fact that creditworthiness has been thoroughly investigated before the loan is approved, may also contribute to the lower foreclosure rates associated with these loans.

¹⁰ Unemployment rate is for the September 2007 civilian labor force (not seasonally adjusted) from the U.S. Department of Labor.

¹¹ Third quarter 2007 annual percent change in median sales price of existing single-family homes (not seasonally adjusted) from the National Association of REALTORS®.

¹² 12 CFR 228.41(c)(2).

¹³ 12 CFR 228.24(d)(2).

¹⁴ See e.g., Joint Center for Housing Studies, Harvard University, "Credit Capital and Communities; The Implications of the Changing Mortgage Banking Industry for Community Based Organizations," March 9, 2004 at 4.

¹⁵ Avery, Canner, and Cook, "New Information Reported Under HMDA and Its Application in Fair Lending Enforcement," Volume 91 Federal Reserve Bulletin Number 3 (Summer 2005).

TRAIGER & HINCKLEY LLP

Conclusion

Our study suggests that without the CRA, the subprime crisis and related spike in foreclosures might have negatively impacted even more borrowers and neighborhoods. Compared to other lenders in their assessment areas, CRA Banks were less likely to make a high cost loan, charged less for the high cost loans that were made, and were substantially more likely to eschew the secondary market and hold high cost and other loans in portfolio. Moreover, branch availability is a key element of CRA compliance, and foreclosure rates were lower in metropolitan areas with proportionately greater numbers of bank branches.

Prior to the foreclosure crisis, some had suggested that the boom in subprime mortgage lending, by easing access to credit for LMI borrowers, rendered the CRA irrelevant or obsolete.¹⁶ However, the demise of subprime lending, even if only temporary, and the lower proportion of high cost loans made by CRA Banks even when the subprime market was thriving, suggest that the CRA still has a vital role to play.

Of course, CRA Banks, even in their own assessment areas, have a relatively small portion of the mortgage market. In the 15 metropolitan areas analyzed, the CRA Bank market share of all loan originations was less than 25 percent, limiting the law's impact on the subprime crisis.

Because the vast majority of mortgage lending is done by other entities, some have suggested extending CRA-like obligations to other lenders as a way of limiting the volume of high cost loans and the problems associated with them. While extending the CRA to bank affiliates and subsidiaries that lend in the bank's community may have some merit, we believe that the presence of local brick and mortar branches was as important a reason for CRA Banks' better performance than fear of a less than satisfactory CRA evaluation.

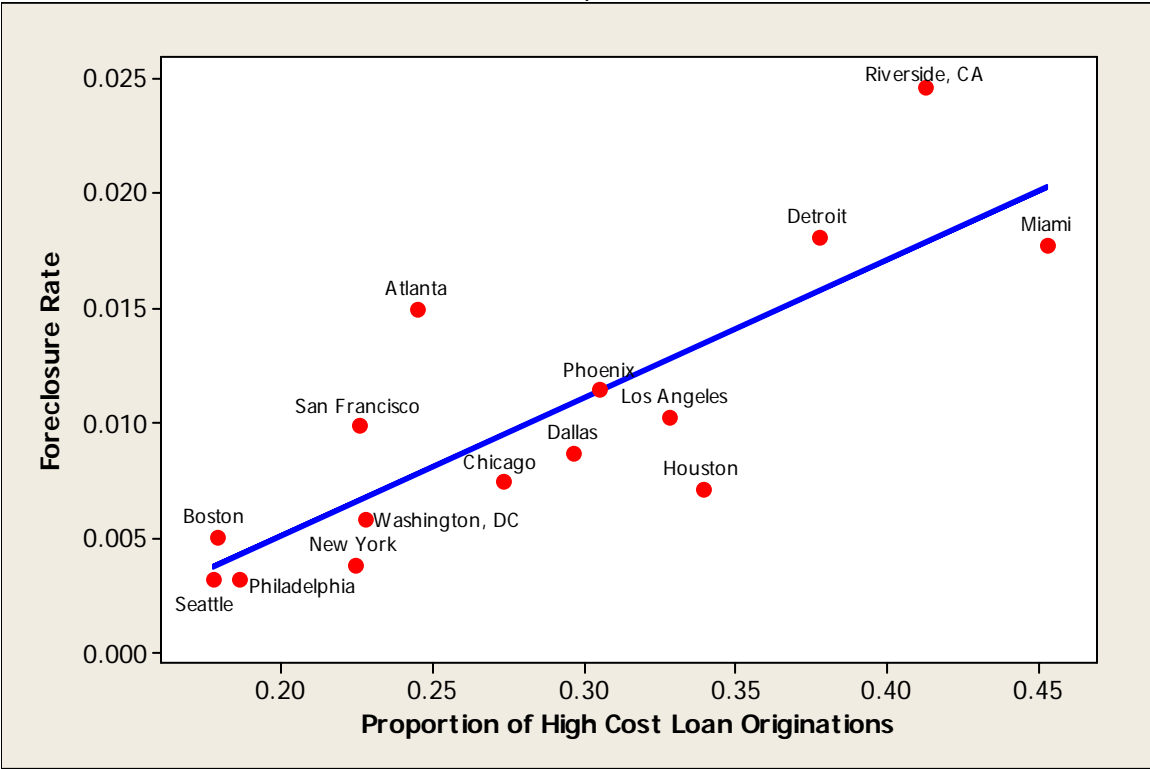
Branches demonstrate a bank's commitment to and investment in a community. The ongoing interaction between bankers and residents that occurs at a deposit-taking branch provides insight into credit needs that may enable banks to make more reliable assessments of borrowers' creditworthiness and to avoid making loans that are likely to default. In addition, by providing borrowers with a convenient location at which to apply for mortgage loans, branches may serve as a magnet for attracting creditworthy borrowers. Without a branch nexus, it is doubtful whether the same benefits can be realized for other lenders.

¹⁶ See, e.g., "Gunther, 'Should CRA Stand for 'Community Redundancy Act'?', *Regulation* (The Cato Review of Business and Government) Vol. 23, No. 3, 2000.

TRAIGER & HINCKLEY LLP

Appendix A

**Foreclosure Rates and Proportion of High Cost Loans
in 15 Most Populous MSAs**



Source: Foreclosure data is for the third quarter of 2007 and derived from RealtyTrac's® press release dated November 14, 2007

Figure A-1

TRAIGER & HINCKLEY LLP

Loan Retention Proportions for Each MSA

Proportion of All Loans Held in Portfolio

Metropolitan Area	CRA Banks	Non-CRA Banks	All Lenders Except CRA Banks
Atlanta	36.4%	14.0%	19.6%
Boston	46.4%	24.9%	24.3%
Chicago	28.8%	27.9%	17.0%
Dallas	37.9%	22.8%	16.1%
Detroit	16.2%	24.8%	18.0%
Houston	34.4%	12.0%	18.2%
Los Angeles	42.5%	19.0%	14.9%
Miami	36.2%	12.9%	13.1%
New York	34.8%	19.4%	16.8%
Philadelphia	34.4%	16.5%	13.7%
Phoenix	37.1%	20.7%	15.9%
Riverside, CA	31.6%	12.9%	13.9%
San Francisco, CA	53.5%	21.5%	15.3%
Seattle	37.7%	22.8%	14.6%
Washington, DC	39.6%	11.8%	16.2%

Figure A-2

Proportion of All High Cost Loans Held in Portfolio

Metropolitan Area	CRA Banks	Non-CRA Banks	All Lenders Except CRA Banks
Atlanta	33.7%	12.7%	14.5%
Boston	30.0%	14.3%	13.9%
Chicago	20.2%	18.3%	14.0%
Dallas	64.4%	15.4%	17.1%
Detroit	10.3%	24.9%	18.4%
Houston	52.5%	8.8%	15.8%
Los Angeles	24.3%	8.3%	15.7%
Miami	30.2%	11.9%	11.5%
New York	26.3%	12.8%	12.1%
Philadelphia	28.6%	13.5%	12.9%
Phoenix	46.5%	16.0%	14.9%
Riverside, CA	21.8%	5.4%	14.4%
San Francisco, CA	24.0%	11.2%	13.9%
Seattle	48.6%	17.7%	15.9%
Washington, DC	25.4%	11.5%	11.8%

Figure A-3

TRAIGER & HINCKLEY LLP

Proportion of All Loans to LMI Borrowers Held in Portfolio

Metropolitan Area	CRA Banks	Non-CRA Banks	All Lenders Except CRA Banks
Atlanta	51.8%	11.3%	19.7%
Boston	56.1%	23.7%	27.5%
Chicago	30.4%	19.5%	16.4%
Dallas	54.3%	32.0%	20.5%
Detroit	15.2%	19.9%	20.8%
Houston	50.3%	7.7%	18.4%
Los Angeles	40.6%	49.3%	37.8%
Miami	50.3%	15.4%	18.8%
New York	37.6%	19.6%	20.5%
Philadelphia	43.1%	12.3%	13.1%
Phoenix	42.4%	15.1%	15.0%
Riverside, CA	33.2%	11.1%	24.0%
San Francisco, CA	56.8%	33.6%	25.2%
Seattle	35.7%	19.1%	16.9%
Washington, DC	50.3%	10.4%	19.9%

Figure A-4

Proportion of All High Cost Loans to LMI Borrowers Held in Portfolio

Metropolitan Area	CRA Banks	Non-CRA Banks	All Lenders Except CRA Banks
Atlanta	35.4%	9.6%	13.6%
Boston	30.8%	13.6%	16.8%
Chicago	26.6%	14.9%	13.2%
Dallas	77.4%	19.3%	18.7%
Detroit	10.1%	20.5%	19.6%
Houston	62.2%	5.5%	15.9%
Los Angeles	84.1%	62.5%	63.7%
Miami	42.5%	12.8%	12.9%
New York	33.6%	13.3%	14.6%
Philadelphia	28.5%	10.5%	11.6%
Phoenix	48.0%	14.7%	14.2%
Riverside, CA	41.4%	9.3%	43.8%
San Francisco, CA	62.5%	17.6%	37.4%
Seattle	48.8%	13.2%	17.4%
Washington, DC	30.8%	8.1%	11.3%

Figure A-5

TRAIGER & HINCKLEY LLP

Foreclosure Rates and Bank Branch Concentration

Ranked by Foreclosure Rates in 15 Most Populous MSAs

Metropolitan Area	# of Properties with Foreclosure Filings ¹	# of Owner Occupied Housing Units ²	Foreclosure Rate ³	# of Bank Branches ⁴	Proportion of Bank Branches ⁵
Riverside, CA	20,664	838,093	0.0247	570	0.00068
Detroit	22,876	1,261,188	0.0181	1,210	0.00096
Miami	24,144	1,357,812	0.0178	1,583	0.00117
Atlanta	18,940	1,261,351	0.0150	1,428	0.00113
Phoenix	11,242	979,314	0.0115	862	0.00088
Los Angeles	22,338	2,170,255	0.0103	2,401	0.00111
San Francisco	8,988	906,476	0.0099	1,023	0.00113
Dallas	11,618	1,327,280	0.0088	1,718	0.00129
Chicago	17,355	2,328,139	0.0075	3,244	0.00139
Houston	8,500	1,182,763	0.0072	1,460	0.00123
Washington, DC	7,699	1,318,546	0.0058	1,683	0.00128
Boston	5,471	1,082,956	0.0051	1,461	0.00135
New York	13,939	3,609,780	0.0039	5,632	0.00156
Philadelphia	4,912	1,533,934	0.0032	1,956	0.00128
Seattle	2,639	819,357	0.0032	918	0.00112

¹ Source: RealtyTrac® November 14, 2007 press release on third quarter 2007 metropolitan area foreclosure rates.

² Source: U.S. Census Bureau's 2006 American Community Survey.

³ # of Properties with Foreclosures per Owner Occupied Housing Unit.

⁴ Source: Federal Deposit Insurance Corporation, as of June 30, 2007.

⁵ # of Bank Branches per Owner Occupied Housing Unit.

Figure A-6

TRAIGER & HINCKLEY LLP

Appendix B

Methodology

This study examined HMDA-reported conventional, owner-occupied, first lien, home purchase loans (“Loans”) originated in 2006 in the 15 most populous MSAs according to the U.S. Census Bureau as of July 1, 2006. For each MSA, Federal Financial Institutions Examination Council data was obtained on each HMDA-reported origination and HMDA-reporting institution and on the CRA assessment areas of every bank that filed a CRA Disclosure Report (“CRA-reporting bank”). Using this data, each Loan was categorized based on whether it was a high cost Loan, whether it was originated to an LMI borrower, the type of lender originating it, and where it was originated.

Definitions

High Cost Loans (also known as subprime loans) – Loans designated by HMDA as having rate spreads because their Annual Percentage Rates (“APRs”) were at least three percentage points higher than the yields on comparable maturity Treasury securities.

Average Rate Spread – The rate spread is the APR minus the yield on the Treasury security with a comparable maturity and is only reported for High Cost Loans. The average rate spread for a geography is the mean rate spread (i.e., the sum of the rate spreads divided by the total number of High Cost Loans).

LMI Borrower – A borrower whose income is less than 80 percent of the Area Median Income. For a borrower located in an MSA, the Area Median Income is the median family income for the MSA.

Loan held in Portfolio – A Loan with a HMDA-reported Type of Purchaser code of “0,” indicating the Loan was not sold during 2006.

Correlation – A commonly used measure of the strength and direction of a linear relationship between two variables (obtained by dividing the sample covariance of the variables by the product of their sample standard deviations). Correlation ranges from +1 to -1. If one variable tends to increase as the other decreases, the correlation is negative. Conversely, if the two variables tend to increase together the correlation is positive. The stronger the linear relationship between the variables, the higher the absolute correlation between the variables. Therefore, if there is a perfect linear relationship between two variables the correlation is 1 (either positive or negative); if there is no linear relationship between the two variables the correlation is zero.

Notes

- 1) In Figures 8, A-1, and A-6, foreclosure property figures for Nassau and Suffolk counties in New York, Lake County in Illinois, and Kenosha County in Wisconsin are based on estimates. Foreclosure figures for Rockingham and Strafford counties in New Hampshire included in the Boston foreclosure figure were obtained directly from RealtyTrac® rather

TRAIGER & HINCKLEY LLP

than from the November 14, 2007 press release on third quarter 2007 metropolitan area foreclosure rates.

- 2) Calculations for “All MSAs” combine figures for the 15 most populous MSAs, effectively causing MSAs with more Loans to have greater weight.
- 3) The denial rates referred to on Page 2 are for submitted applications and therefore exclude purchases and preapprovals. The figures also exclude HMDA filers who did not originate at least one loan in 2006.

Lender Categories

The study categorized each Loan according to the type of lender that originated it.

CRA Banks – CRA-reporting banks making mortgage loans subject to the CRA (*i.e.*, in their assessment area) in the 15 most populous MSAs.

Non-CRA Banks – Banks that filed a CRA report but whose assessment areas did not include the MSA analyzed.¹⁷

Other Lenders / All Lenders Except CRA Banks – Lenders that were not CRA Banks.

Description of the 15 Most Populous MSAs

The following counties and/or cities comprise the each of the 15 most populous MSAs reviewed:

Atlanta: MSA 12060 Atlanta-Sandy Springs-Marietta, GA – Barrow, Bartow, Butts, Carroll, Cherokee, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Haralson, Heard, Henry, Jasper, Lamar, Meriwether, Newton, Paulding, Pickens, Pike, Rockdale, Spalding, and Walton counties in Georgia

Boston: MSA 14460 Boston-Cambridge-Quincy, MA-NH – Norfolk, Plymouth, Suffolk, Middlesex, and Essex counties in Massachusetts; Rockingham and Strafford counties in New Hampshire

Chicago: MSA 16980 Chicago-Naperville-Joliet, IL-IN-WI – Cook, DeKalb, DuPage, Grundy, Kane, Kendall, McHenry, Will, and Lake counties in Illinois; Jasper, Lake, Newton, and Porter counties in Indiana; Kenosha County in Wisconsin

Dallas: MSA 19100 Dallas-Fort Worth-Arlington, TX – Collin, Dallas, Delta, Denton, Ellis, Hunt, Kaufman, Rockwall, Johnson, Parker, Tarrant, and Wise counties in Texas

¹⁷ The CRA Bank and Non-CRA Bank categories exclude Loans made by banks that did not file a CRA Disclosure Report, presumably because they did not meet the asset size threshold. These Loans constituted 1.6 percent of all Loans made in the 15 most populous metropolitan areas.

TRAIGER & HINCKLEY LLP

Detroit: MSA 19820 Detroit-Warren-Livonia, MI – Wayne, Lapeer, Livingston, Macomb, Oakland, and St. Clair counties in Michigan

Houston: MSA 26420 Houston-Baytown-Sugar Land, TX – Austin, Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, San Jacinto, and Waller counties in Texas

Los Angeles: MSA 31100 Los Angeles-Long Beach-Santa Ana, CA – Los Angeles and Orange counties in California

Miami: MSA 33100 Miami-Fort Lauderdale-Miami Beach, FL – Broward, Miami-Dade, and Palm Beach counties in Florida

New York: MSA 35620 New York-Northern New Jersey-Long Island, NY-NJ-PA – Nassau, Suffolk, Bronx, Kings, New York, Putnam, Queens, Richmond, Rockland, and Westchester counties in New York; Middlesex, Monmouth, Ocean, Somerset, Essex, Hunterdon, Morris, Sussex, Union, Bergen, Hudson, and Passaic counties in New Jersey; Pike County in Pennsylvania

Philadelphia: MSA 37980 Philadelphia-Camden-Wilmington, PA-NJ-DE-MD – Bucks, Chester, Delaware, Montgomery, and Philadelphia counties in Pennsylvania; Burlington, Camden, Gloucester, and Salem counties in New Jersey; New Castle County in Delaware; Cecil County in Maryland

Phoenix: MSA 38060 Phoenix-Mesa-Scottsdale, AZ – Maricopa and Pinal counties in Arizona

Riverside, CA: MSA 40140 Riverside-San Bernardino-Ontario, CA – Riverside and San Bernardino counties in California

San Francisco: MSA 41860 San Francisco-Oakland-Fremont, CA – Alameda, Contra Costa, Marin, San Francisco, and San Mateo counties in California

Seattle: MSA 42660 Seattle-Tacoma-Bellevue, WA – King, Snohomish, and Pierce counties in Washington

Washington, DC: MSA 47900 Washington-Arlington-Alexandria, DC-VA-MD-WV – District of Columbia, Clarke, Fairfax, Fauquier, Loudoun, Prince William, Spotsylvania, Stafford, and Warren counties and Alexandria, Fairfax, Falls Church, Fredericksburg, Manassas, and Manassas Park cities in Virginia; Frederick, Montgomery, Calvert, Charles, and Prince George's counties in Maryland; Jefferson County in West Virginia