



# Anti-Predatory Lending Policy

September 13, 2024

## Policy Information

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**CONTENTS**

**1. INTRODUCTION..... 3**

    1.1. The Risk Management Program.....3

    1.2. Scope.....3

    1.3. Related Documents.....3

    1.4. Roles/Responsibilities .....3

    1.5. Exceptions and Noncompliance .....3

    1.6. Distribution of Policy.....4

**2. POLICY ..... 4**

**3. AMENDMENTS ..... 4**

**4. APPROVAL AND REVIEW CYCLE ..... 4**

**5. RELEVANT AUTHORITIES AND REFERENCES..... 4**

**6. DOCUMENT CHANGE RECORD ..... 4**

**ANTI-PREDATORY LENDING POLICY STATEMENT (Public Appendix)**



1. INTRODUCTION

The Federal Home Loan Bank of Indianapolis (Bank) supports the expansion of fair and equitable home ownership opportunities. To discourage predatory lending practices, which are inconsistent with such opportunities, and to protect the Bank from potential liabilities, Bank has established this anti-predatory lending policy (Policy).

1.1. THE RISK MANAGEMENT PROGRAM

This Policy is an integral part of the Bank’s Risk Management Program, as described in the Enterprise Risk Management Policy (ERMP). This Policy constitutes a “Program Policy” within the ERMP.

1.2. SCOPE

This Policy applies to residential mortgage loans pledged to it as collateral and residential mortgage loans purchased by it under the Bank’s Mortgage Purchase Program (MPP).

1.3. RELATED DOCUMENTS

- Enterprise Risk Management Policy
- Subprime and Nontraditional Residential Mortgage Policy
- Risk Appetite Statement
- Credit Policy
- Mortgage Purchase Program Policy
- Risk Appetite Statement Metrics

1.4. ROLES/RESPONSIBILITIES

Table 1. Anti-Predatory Lending Policy Roles and Responsibilities

Department/Officer/Working Group/Committee/Other	Brief Summary of Responsibilities
Board of Directors (Board)	Establishes the Bank’s risk appetite in the Risk Appetite Statement (RAS); establishes risk limits in the ERMP; adopts and amends this Policy.
Risk Oversight Committee of the Board of Directors	Reviews and recommends amendments to this Policy to the Board of the Directors.
Risk Committee	Reviews and recommends amendments to this Policy to the Risk Oversight Committee.
Chief Risk Officer (CRO)	Reviews proposed amendments to this Policy; the CRO’s non-objection is required to recommend amendments to the Policy.
Credit Risk department	Owner of this Policy. Responsible for compliance with the Policy.
Collateral Operations department	Responsible for compliance with the Policy.
MPP department	Responsible for compliance with the Policy.

1.5. EXCEPTIONS AND NONCOMPLIANCE

No exception to this Policy is permissible that may violate any requirement of applicable law, regulation, RAS, or ERMP.



If a Bank employee, contractor, or officer detects noncompliance of this Policy, he or she will report it to his or her supervisor for remediation. The detecting employee, contractor, or officer or his or her supervisor will also report the noncompliance to Compliance Risk Management.

Non-compliance with this Policy may subject a person to discipline in accordance with the Bank’s *Code of Conduct* and management judgment.

1.6. DISTRIBUTION OF POLICY

The Bank is required to post this Policy on its public Web site and make copies available to Members to comply with the requirements of 2005-AB-08. The Board designates the Appendix as the “Policy” for purposes of posting on the Bank’s website and Member Link for distribution of this Policy to Members.

2. POLICY

The statement of this Policy is set forth in the Appendix hereto.

3. AMENDMENTS

The Board may amend this Policy at any time.

4. APPROVAL AND REVIEW CYCLE

The Risk Oversight Committee will review this Policy, recommend any changes, and recommend Board approval at least once per calendar year.

5. RELEVANT AUTHORITIES AND REFERENCES

The following non-exhaustive list of authorities provide additional guidance relevant to this Policy.

Regulations:

- 12 C.F.R. Part 1239, *Responsibilities of Boards of Directors, Corporate Practices, and Corporate Governance*

Advisory Bulletins:

- 2008-AB-02, *Nontraditional and Subprime Residential Mortgage Loans*
  - Interagency Guidance on Nontraditional Mortgage Product Risks, Oct. 4, 2006 (see 2008-AB-02)
- 2010-AB-01, *Clarification of Advisory Bulletin 2008-AB-02: Application of Guidance on Nontraditional and Subprime Residential Mortgage Loans to Specific FHLBank Assets*
- 2005-AB-08, *Guidance on Federal Home Loan Bank Anti-Predatory Lending Policies*

6. DOCUMENT CHANGE RECORD

Version	Date	Description	Revised by
1.0	10/21/2016	Revised to reflect new policy template.	Board of Directors
1.1	07/22/2017	Updates to organizational roles. Standalone FHFA terminology updated.	Credit Risk Director Policy Management, CRO Board – Finance Committee
1.2	06/28/2018	Content reviewed for annual maintenance. Owner of this Policy has been added as a responsibility of Credit Services. No other content changes made with exception of minor clean-up and re-marking of Policy versioning and dates.	Credit Risk Director Policy Mgmt/Compliance CRO Member Services Committee Board of Directors
1.3	09/20/2019	Update to reflect officer title change	Credit Risk Director Policy Mgmt/Compliance CRCO



			Member Services Committee Board of Directors
1.4	9/17/2020	Update to reflect officer title/organizational change Updated Violations/Non-Compliance language to be consistent with other policies	Credit Risk Director Policy Mgmt/Compliance Member Services Committee Board of Directors
1.5	9/10/2021	Updated to reflect annual Finance Committee review and Board approval.	Credit Risk Director Policy Management Member Services Committee Board of Directors
1.6	9/16/2022	Updated to reflect officer title and departmental name change Updated "Exceptions and Noncompliance" and "Relevant Authorities and References" language to be consistent with other policies Updated Distribution of Policy language for added clarity	Senior Director of Underwriting & Collateral Operations Member Services Committee Finance/Budget Committee Board of Directors
1.7	7/20/2023	Updated to reflect document owner change	Collateral Manager Member Services Committee Finance/Budget Committee Board of Directors
1.8	9/13/2024	Updated ownership, Bank and Board level approvers, document dates, and departments responsible for compliance.	Assoc. Dir of Collateral Risk Member Services Committee Risk Committee Board of Directors

The *Public Appendix* (Public version) of this Policy follows this section.



## ANTI-PREDATORY LENDING POLICY STATEMENT

The Federal Home Loan Bank of Indianapolis (Bank) supports the expansion of fair and equitable home ownership opportunities. To discourage predatory lending practices, which are inconsistent with such opportunities, and to protect the Bank from potential liabilities, the Bank has established the *Anti-Predatory Lending Policy* (Policy) with respect to residential mortgage loans pledged to it as collateral (Residential Mortgage Collateral) and residential mortgage loans purchased by it under the Mortgage Purchase Program (MPP) as Acquired Member Assets (AMA).

The Bank requires that Residential Mortgage Collateral and Acquired Member Assets comply with applicable federal, state and local anti-predatory lending laws and other similar credit-related consumer protection laws, regulations and orders designed to prevent or regulate abusive and deceptive lending practices and loan terms (collectively, "Anti-Predatory Lending Laws"). For example, Anti-Predatory Lending Laws may prohibit certain practices and characteristics, including, but not limited to the following:

- Requiring the borrower to obtain prepaid, single-premium credit life, credit disability, credit unemployment, or other similar credit insurance;
- Requiring mandatory arbitration provisions with respect to dispute resolution in the loan documents; or
- Charging prepayment penalties for the payoff of the loan after the early years of such loan.

With respect to each of the above provisions or practices, the Bank will not give collateral value for, or purchase any Residential Mortgage Collateral or Acquired Member Asset that contains any of these provisions, whether or not such provisions were legal in the jurisdiction where the loan was made. Any Residential Mortgage Collateral or Acquired Member Asset that does not comply with all applicable Anti-Predatory Lending Laws and this Policy will not be eligible as collateral to support advances or other activity with the Bank or to be purchased under MPP.

Further, the Bank will not give collateral value for or purchase any Residential Mortgage Collateral or Acquired Member Asset, if it meets one or more of the following criteria:

- The annual interest rate and/or points and fees charged for the loan exceed the high cost thresholds of the Home Ownership and Equity Protection Act of 1994 (HOEPA) and its implementing regulations (Federal Reserve Board Regulation Z).
- Higher-priced loans found in violation of prohibitions pertaining to repayment capabilities, escrow accounts, and prepayment penalties of HOEPA rules made effective October 1, 2009.
- With respect to Acquired Member Assets, the loan is subject to state and/or local laws where one or more of the major credit rating agencies will not rate a security in which the underlying collateral pool contains such a loan.
- The loan is defined under one or more federal, state, or local laws as a High Cost Loan, Covered Loan, or Home Loan categorized under such laws as having certain potentially predatory characteristics.

Members and their affiliates are responsible for avoiding all unlawful practices and terms prohibited by applicable Anti-Predatory Lending Laws, regardless of whether they originate or purchase the Residential Mortgage Collateral being pledged, or Acquired Member Asset being sold to the Bank. The Bank will take those steps it deems reasonably necessary in order to confirm or monitor members' and affiliates' compliance with this Policy.

In addition, the Bank reserves the right to require evidence reasonably satisfactory to the Bank that Residential Mortgage Collateral and Acquired Member Assets do not violate applicable Anti-Predatory Lending Laws and this Policy and are not Unratable AMA. With respect to Residential Mortgage Collateral or Acquired Member Assets purchased by the member or an affiliate and then pledged or sold to the Bank, the member and the affiliate are responsible for conducting due diligence that they deem sufficient to support their certification and indemnification agreements with the Bank.



In addition to the terms and conditions of the Bank's Advances, Pledge and Security Agreement (Advances Agreement), and, where applicable, the Member Selling and Servicing Master Agreement (Master Agreement), each member and affiliate must execute a representation and warranty agreement with the Bank that: (1) certifies its understanding and compliance with this Policy, all applicable Anti-Predatory Lending Laws and NRSRO rating criteria; (2) certifies that it will maintain qualifying collateral and substitute eligible collateral for any Residential Mortgage Collateral or repurchase or substitute a comparable loan for any Acquired Member Asset that does not comply in all material respects with applicable Anti-Predatory Lending Laws or this Policy; and (3) indemnifies, defends and holds the Bank harmless from and against all losses, damages, claims, actions, causes of action, liabilities, obligations, judgments, penalties, fines, forfeitures, costs and expenses, including, without limitation, legal fees and expenses, that result from the pledge of any Residential Mortgage Collateral or the sale of any Acquired Member Asset that does not comply in all material respects with applicable Anti-Predatory Lending Laws and this Policy.

The Bank will not knowingly accept as eligible collateral or purchase any Residential Mortgage Collateral or Acquired Member Asset that violates the applicable Anti-Predatory Lending Laws or this Policy. If the Bank knows or discovers that such Residential Mortgage Collateral or Acquired Member Asset violates applicable Anti-Predatory Lending Laws or this Policy, through its current quality assurance or collateral verification procedures, the Bank may, in addition to all available rights and remedies at law or in equity: (1) require the member or affiliate to substitute eligible collateral, (2) value such Residential Mortgage Collateral at zero for collateral purposes, (3) require the member to repurchase the affected loan or substitute a comparable loan that does not violate any Anti-Predatory Lending Laws or this Policy, and (4) require the member or affiliate to undertake a review of its policies, practices, and procedures for complying with Bank collateral and MPP policies.