



# UNITED NEIGHBORHOOD CENTERS of Lackawanna County, Inc.

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Phone: (570) 346-0759

June 4, 2002

208

## CHILD CARE

Bellevue Center  
342-5251  
Progressive Center  
207-4950  
Green Ridge Center  
961-2224  
McNichols Plaza  
348-3685  
Willard School  
348-3654

Regulation Comments  
Chief Counsel's Office  
Office of Thrift Supervision  
1700 G Street, NW  
Washington, DC 20552

Attention: Docket No. 2002-17

## COMMUNITY YOUTH

Bellevue Center  
342-5251  
Progressive Center  
207-4950  
Leaders In Training  
207-8890  
Performing Arts  
961-1592  
Project Hope  
343-8835

To Whom it May Concern:

As a member of the National Community Reinvestment Coalition, United Neighborhood Centers strongly supports the proposed changes to the Office of Thrift Supervision's regulations implementing the Alternative Mortgage Transaction Parity Act (AMTPA). United Neighborhood Centers has been involved in combating predatory lending for several years. We have repeatedly seen instances in which unscrupulous lending institutions have used prepayment penalties to trap borrowers in abusive loans. Borrowers have also faced stiff late fees associated with abusive loans. The current AMTPA regulations have facilitated the proliferation of prepayment penalties and late fees in predatory loans.

## COMMUNITY SERVICES

Emergency Assistance  
343-8835  
Transitional Housing  
207-7228  
One Stop Shop  
343-8835  
Angel's Attic  
343-8835  
First Time Homebuyers  
343-8835  
HIV/AIDS Education  
961-1592  
Community Organizer  
343-8835  
Restorative Justice  
961-1592

AMTPA has outlived its usefulness. Congress passed AMTPA in 1982 during a high interest rate environment in order to provide state-chartered institutions the ability to offer adjustable rate mortgages (ARMs) and other alternative mortgages. At that time, many states had outlawed ARMs. From 1983 to 1996, the Federal Home Loan Bank Board (the OTS' predecessor agency) and the OTS granted state-chartered thrifts and non-depository institutions preemption under AMTPA from state law on alternative mortgages so that they could offer ARMs. During this time period, however, the Bank Board and the OTS did not allow institutions to preempt state law on alternative mortgages that limited prepayment penalties and late fees. In 1996, the OTS inexplicably reversed course and allowed institutions to preempt state limits regarding prepayment penalties and late fees on alternative mortgages.

## VIOLENCE INTERVENTION CENTER

207-7227

This single change in the OTS regulations during 1996 significantly contributed to the dramatic increase in predatory lending of the last few years. Non-depository institutions and mortgage companies that were state-chartered applied prepayment penalties at such a high rate that the great majority of subprime borrowers (about 80 percent) now have prepayment penalties. In contrast, only 2 percent of prime borrowers have prepayment penalties on their loans according to Standard and Poor's. This huge difference in the application of prepayment penalties suggests that prepayment penalties trap subprime borrowers into abusive loans, and that subprime borrowers do not freely accept prepayment penalties as a means of lowering their interest rates.

## SENIOR CENTERS

West Side Center  
961-1592  
South Side Center  
346-2487  
Carbondale Center  
282-6167  
Mid Valley Center  
489-4415



Member, United Way  
of Lackawanna County  
Member of  
United Neighborhood  
Centers of America

The OTS correctly notes in its proposal that prepayment penalties and late fees are not integral elements of alternative mortgages. The OTS also reports that all states but one now allow ARMs, meaning that AMTPA is no longer needed. Instead, predatory lenders are using AMTPA and the existing OTS regulations to evade state law on alternative mortgages and prey upon unsuspecting and vulnerable borrowers. United Neighborhood Centers cannot emphasize enough how urgent it is to remove AMTPA's preemption of state limits regarding prepayment penalties and late fees on alternative mortgages.

United Neighborhood Centers notes that the OTS could have made its proposal stronger. The AMTPA statute provides OTS with the discretion to prescribe general limits on loan terms and conditions. The OTS could have adopted a two-year limitation on prepayment penalties for the alternative mortgages issued by all the institutions it regulates including federally chartered thrifts, state-chartered thrifts and non-depository institutions. The limitation would also stipulate the maximum amount of the prepayment penalty at one percent of the loan amount. Currently, victims of predatory lending are confronted with paying about 5 percent or higher of the loan amount at a prepayment penalty.

United Neighborhood Centers believes that limiting prepayment penalties across the board would have achieved a greater degree of uniformity in the regulatory framework for different institutions. If the OTS does not adopt a more prescriptive approach, United Neighborhood Centers strongly urges the OTS to stick with its proposal and to resist industry calls to weaken its proposed regulatory changes.

We applaud the OTS for proposing this change to their AMTPA regulations and ask the OTS to implement this change as quickly as possible after the close of the public comment period.

Sincerely,



Michael J. Hanley  
Executive Director

Cc:  
National Community Reinvestment Coalition