

UNITED STATES OF AMERICA

FEDERAL HOUSING FINANCE AGENCY

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In Re: Data Requirements for Enterprise))
Public Use Database) Order Nos. 2020-OR-FNMA-2
) 2020-OR-FHLMC-2
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Revisions to Data Requirements for Enterprise Public Use Database to Include New Home Mortgage Disclosure Act Data Elements

WHEREAS, the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (Safety and Soundness Act) (12 U.S.C. 4543) requires the Federal Housing Finance Agency (FHFA) to make available annually to the public certain loan-level mortgage data elements related to single-family and multifamily mortgages purchased by the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac) (collectively, the Enterprises) in a calendar year;

WHEREAS, FHFA publishes annually the required Enterprise mortgage data elements in an Enterprise Public Use Database (PUDB);

WHEREAS, the mortgage data elements for the PUDB are submitted by Fannie Mae and Freddie Mac to FHFA in the reports required under section 309(m) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m)) and section 307(e) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e)), respectively, and in other submissions to FHFA;

WHEREAS, the Safety and Soundness Act (12 U.S.C. 4543(a)(2), 4546(d)(1)) further provides that the mortgage data elements must include data elements that are the same as those required to be reported under the Home Mortgage Disclosure Act of 1975 (HMDA) (12 U.S.C. 2801 *et seq.*), which must be made available to the public at the census tract level, subject to privacy considerations, as described in section 304(j) of HMDA (12 U.S.C. 2803(j)), and thus may not be withheld from public disclosure notwithstanding any Enterprise proprietary interests;

WHEREAS, in 2015, the Consumer Financial Protection Bureau (CFPB) added new definitions for HMDA data elements in amendments to Regulation C (12 CFR part 1003), which took effect on January 1, 2018 for mortgages originated in 2018 and thereafter;

WHEREAS, as a result of the Regulation C amendments, any new data elements collected by the Enterprises that conform to the new HMDA definitions in Regulation C must be added to the PUDB;

WHEREAS, FHFA identified the data elements collected by the Enterprises in 2018 that conform to the new HMDA definitions in Regulation C that are of appropriate data quality for public disclosure;

WHEREAS, section 304(j)(2)(B) of HMDA (12 U.S.C. 2803(j)(2)(B)) provides that the CFPB shall protect any privacy interest of borrowers in the release of HMDA data elements, and the CFPB has issued privacy guidance to implement the HMDA statutory privacy requirements (84 FR 649 (Jan. 31, 2019));

WHEREAS, pursuant to the requirement under the Safety and Soundness Act to consider the HMDA privacy requirements for HMDA data elements published in the PUDB, FHFA is following the CFPB privacy guidance for all of the HMDA data elements in the PUDB, with one minor change to the manner of disclosure of multifamily Total Units;

WHEREAS, pursuant to the Safety and Soundness Act (12 U.S.C. 4543(a)(1)), the Director shall make the required data elements public in forms useful to the public, and has determined that adding certain geographic indicators that correspond to certain regions of focus under the Enterprise Duty to Serve program (12 CFR part 1282, Subpart C) will help provide greater transparency to the public about the Enterprises' Duty to Serve activities;

WHEREAS, to comply with the Safety and Soundness Act, it is necessary for FHFA to make changes to the data fields in the single-family and multifamily matrices of the PUDB, which set forth the data required to be submitted for the PUDB and the privacy and proprietary modifications to that data, as directed in this Order;

NOW, THEREFORE, it is hereby ordered as follows:

1. The data fields in the single-family and multifamily matrices of the PUDB are revised as set forth in the matrices published on the FHFA website at <https://www.fhfa.gov/DataTools/Downloads/Pages/Public-Use-Databases.aspx>, which are incorporated herein by reference, to include:
 - (a) The data elements that are the same as those required to be reported under HMDA, pursuant to 12 U.S.C. 4543(a)(2) and 4546(d)(1), except for certain newly collected data elements that require further analysis to ensure data quality before inclusion in the PUDB;
 - (b) Revised proprietary and privacy protections, including the disclosure of data elements previously withheld or modified on proprietary grounds that are no longer eligible for proprietary protection under 12 U.S.C. 4543(b)(2); and
 - (c) Certain Duty to Serve geographic indicators;
2. The Enterprises shall provide to FHFA the mortgage data elements required to populate the data fields described in the single-family and multifamily matrices for inclusion in the 2018 PUDB no later than four weeks from the date of this Order, pursuant to instructions issued by

FHFA staff, and shall provide such data elements annually thereafter to FHFA for future PUDBs in accordance with applicable FHFA regulations and any additional instructions issued by FHFA staff;

3. This Order modifies the FHFA Order on the Public Use Database for Enterprise Mortgage Purchases, dated July 1, 2010 (75 FR 41180, 41189) (July 15, 2010), and the FHFA Order on Revisions to Enterprise Public Use Database Incorporating High-Cost Single-Family Securitized Loan Data Fields and Technical Data Field Changes, dated Sept. 21, 2011 (76 FR 60031, 60036) (Sept. 28, 2011); and

4. A new 2018 PUDB shall be released by FHFA containing the data elements for loans acquired by the Enterprises in 2018 added by this Order, replacing the interim PUDB released on September 23, 2019, which does not include the new HMDA data elements or Duty to Serve geographic indicators.

IT IS SO ORDERED, this 27th of May, 2020.

Effective Date:

The foregoing Order is effective immediately upon issuance.

FEDERAL HOUSING FINANCE AGENCY

By: 

Mark A. Calabria
Director, Federal Housing Finance Agency

Principal Federal Housing Finance Agency Contacts

Maura Dundon, Associate General Counsel, Office of General Counsel,
(202) 853-6734, Maura.Dundon@fhfa.gov.

Ian Keith, Senior Program Analyst, Division of Research and Statistics,
(202) 649-3114, Ian.Keith@fhfa.gov.