

**NEW YORK STATE  
DEPARTMENT OF FINANCIAL SERVICES  
PROPOSED  
AMENDMENT TO 3 NYCRR 76**

**COMPLIANCE WITH COMMUNITY REINVESTMENT ACT REQUIREMENTS**

I, Adrienne A. Harris, Acting Superintendent of Financial Services, pursuant to the authority granted by Sections 101, 201, 202, 301, and 302 of the Financial Services Law, Sections 9-d, 10, 14 and 28-b of the Banking Law, and Section 296-a of the Executive Law, do hereby promulgate the following amendment to Part 76 of Title 3 of the Official Compilation of Codes, Rules and Regulations of the State of New York, to take effect upon publication of the Notice of Adoption in the State Register, to read as follows:

**(NEW MATTER UNDERSCORED; DELETED MATTER IN BRACKETS)**

**§ 76.1 Statement of policy; explanation**

In enacting the CRA, the New York State Legislature required the Superintendent to assess a banking institution's record of helping to meet the credit needs of the local communities in which the banking institution is chartered, consistent with the safe and sound operation of the banking institution, and to take this record into account in the Department's evaluation of those applications by banking institutions which are enumerated in sections 28-b, 225 and 413 of the New York State Banking Law. This Part is intended to carry out the purposes of the CRA. This Part establishes the framework and criteria by which the Department assesses a banking institution's record of helping to meet the credit needs of its entire community, including low- and moderate-income neighborhoods and minority- and women-owned businesses, consistent with the safe and sound operation of the banking institution. In conducting such an assessment, the Department may evaluate the banking institution by performing its CRA examination on-site at the institution or, alternatively, at the Department; may require the submission of written responses to Department requests for documentation and other information, including responses to the so-called "First Day Letter" or similar requests; may interview banking institution personnel; may conduct branch visits; and may require any other information or documentation, or utilize any other procedure that the Superintendent deems necessary. With respect to New York State-chartered multi-state banking institutions, the Department will rely, in part, on the CRA evaluation by the host state, commonwealth or territory with regard to the branches located in the host state, commonwealth or territory or, in those instances in which there is no host state, commonwealth or territory CRA evaluation, upon the CRA evaluation of the appropriate Federal regulatory authorities; however, the Department will independently review the factors set forth in section 28-b.3(a)(1), (2) and (3) of the Banking Law.

**§ 76.2 Definitions**

For purposes of this Part, the following definitions apply:

(a) *Affiliate* means any company, including a subsidiary, that controls, is controlled by, or is under common control with another company.

(b) *Area median income* means:

(1) the median family income for the MSA, if a person or geography is located in an MSA, or for the metropolitan division, if a person or geography is located in an MSA that has been subdivided into metropolitan divisions; or

(2) the statewide nonmetropolitan median family income, if a person or geography is located outside an MSA.

(c) *Assessment area* means a geographic area delineated in accordance with section 76.6 of this Part.

(d) *Banking institution* means a New York State-chartered commercial bank, trust company, savings bank, savings and loan association or FDIC insured branch of a foreign bank.

(e) *Branch* means a staffed banking facility approved as a branch, whether shared or unshared, including, for example, a mini-branch in a grocery store or a branch operated in conjunction with any other local business or nonprofit organization.

(f) *Community development* means:

(1) affordable housing (including multifamily rental housing) for low or moderate-income individuals;

(2) community services targeted to low- or moderate-income individuals or minority- or women-owned businesses;

(3) activities that promote economic development by financing businesses, including minority- and women-owned businesses, or farms that meet the size eligibility standards of the Small Business Administration's Development Company or Small Business Investment Company programs or have gross annual revenues of \$ 1 million or less;

(4) activities that revitalize or stabilize:

(i) low- or moderate-income geographies;

(ii) designated disaster areas; or

(iii) distressed or underserved nonmetropolitan middle-income geographies designated by the Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, and OCC, based on:

(a) Rates of poverty, unemployment and population loss; or

(b) Population size, density, and dispersion. Activities revitalize and stabilize geographies designated based on population size, density and dispersion if they help to meet essential community needs, including needs of low- and moderate-income individuals.

(5) activities that seek to prevent defaults and/or foreclosures in loans included in paragraphs (1) and (3) of this subdivision.

(g) *Community development loan* means a loan that:

(1) has as its primary purpose community development; and

(2) except in the case of a wholesale or limited purpose banking institution:

(i) has not been reported or collected by the banking institution or an affiliate for consideration in the banking institution's evaluation as a home mortgage, small business, minority- or women-owned business, small farm, or consumer loan, unless it is a multifamily dwelling loan; and

(ii) benefits the banking institution's assessment area(s) or a broader statewide or regional area that includes the banking institution's assessment area(s).

(h) *Community development service* means a service that:

(1) has as its primary purpose community development;

(2) is related to the provision of financial services; and

(3) has not been considered in the evaluation of the banking institution's retail banking services.

(i) *Consumer loan* means a loan to one or more individuals for household, family, or other personal expenditures. A consumer loan does not include a home mortgage, small business, or small farm loan. Consumer loans include the following categories of loans:

(1) motor vehicle loan, which is a consumer loan extended for the purchase of and secured by a motor vehicle;

(2) credit card loan, which is a line of credit for household, family, or other personal expenditures that is accessed by a borrower's use of a "credit card;"

(3) home equity loan, which is a consumer loan secured by a residence of the borrower;

(4) other secured consumer loan, which is a secured consumer loan that is not included in one of the other categories of consumer loans; and

(5) other unsecured consumer loan, which is an unsecured consumer loan that is not included in one of the other categories of consumer loans.

(j) *Geography* means a census tract delineated by the United States Bureau of the Census in the most recent decennial census.

(k) *Home mortgage loan* means a home improvement loan, a home purchase loan, a multi-family loan or a refinance loan, including a refinance loan involving a modification, extension and consolidation agreement.

(l) *Home state* means the state where a state-chartered multi-state banking institution is chartered.

(m) *Host state* means a state other than the home state of a multi-state banking institution where the banking institution maintains a branch.

(n) *Income level* includes:

(1) low-income, which means an individual income that is less than 50 percent of the area median income, or a median family income that is less than 50 percent, in the case of a geography.

(2) moderate-income, which means an individual income that is at least 50 percent and less than 80 percent of the area median income, or a median family income that is at least 50 and less than 80 percent, in the case of a geography.

(3) middle-income, which means an individual income that is at least 80 percent and less than 120 percent of the area median income, or a median family income that is at least 80 and less than 120 percent, in the case of a geography.

(4) upper-income, which means an individual income that is 120 percent or more of the area median income, or a median family income that is 120 percent or more, in the case of a geography.

(o) *Limited purpose bank* means a banking institution that offers only a narrow product line (such as credit card or motor vehicle loans) to a regional or broader market and for which a designation as a limited purpose banking institution is in effect.

(p) Loan location. A loan is located as follows:

(1) A consumer loan is located in the geography where the borrower resides;

(2) A home mortgage loan is located in the geography where the property to which the loan relates is located; and

(3) A small business or small farm loan is located in the geography where the main business facility or farm is located or where the loan proceeds otherwise will be applied, as indicated by the borrower.

(q) *Metropolitan division* means a metropolitan division as defined by the Director of the Office of Management and Budget.

(r) Minority means any person who is a member of one of the following groups:

(1) Black persons having origins in any of the Black African racial groups;

(2) Hispanic/Latino persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American of either Indian or Hispanic origin, regardless of race;

(3) Native American or Alaskan native persons having origins in any of the original peoples of North America.

(4) Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands.

(s) *Minority-owned business* means a business more than 50 percent of the ownership or control of which is held by one or more minority individuals.

(t) *MSA* means a metropolitan statistical area as defined by the Director of the Office of Management and Budget.

(u) [s] *Multi-state banking institution* means a banking institution that maintains branches in one or more host states.

(v) [t] *Qualified investment* means a lawful investment, deposit, membership share, or grant that has as its primary purpose community development.

(w) [u] *Regulation BB of the Board of Governors of the Federal Reserve System* means Part 228 of [title] Title 12, Code of Federal Regulations, [parts] Parts 220 to 299 Banks and Banking (revised as of January 1, 2006). (This publication may be viewed at the New York City office of the Financial Services Department at the address set forth in section 1.1 of Supervisory Policy G1, and the Department of State located at 41 State Street, Albany, NY 12231. It is published by the Office of the Federal Register, National Archives and Records Administration and is for sale by the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402-9328.)

(x) [v] Small banking institution.

(1) Definition. *Small banking institution* means a banking institution that, as of December 31[st] of either of the prior two calendar years, had total assets of less than \$1 billion. *Intermediate small banking institution* means a small banking institution with assets of at least \$ 250 million as of December 31[st] of both of the prior two calendar years and less than \$1 billion as of December 31[st] of either of the prior two calendar years.

(2) Adjustment. The dollar figures in paragraph [(u)(1)] (x)(1) of this section shall be adjusted annually and published by the Federal Financial Institutions Examination Council, based on the year-to-year change in the average of the Consumer Price Index for Urban Wage Earners and Clerical Workers, not seasonally adjusted, for each 12-month period ending in November, with rounding to the nearest million.

(y) [w] *Small business loan* means a small business loan as defined in Regulation BB of the Board of Governors of the Federal Reserve System (12 CFR part 228). This definition is based on the size of the loan.

(z) [x] *Small farm loan* means a small farm loan as defined in Regulation BB of the Board of Governors of the Federal Reserve System (12 CFR part 228). This definition is based on the size of the loan.

(aa) [y] *Wholesale banking institution* means a banking institution that is not in the business of extending home mortgage, small business, small farm, or consumer loans to retail customers, and for which a designation as a wholesale banking institution by the appropriate Federal regulatory authority is in effect.

(bb) Women-owned business means a business more than 50 percent of the ownership or control of which is held by one or more women.

## **§ 76.8 Lending test**

(a) Scope of test. The scope of the lending test is as follows:

(1) The lending test evaluates a banking institution's record of helping to meet the credit needs of its assessment area(s) through its lending activities by considering a banking institution's home mortgage, small business, minority- and women-owned business, small farm, and community development lending. If consumer lending constitutes a substantial majority of a banking institution's business, the Banking Department will evaluate the banking institution's consumer lending in one or more of the following categories: motor vehicle, credit card, home equity, other secured, and other unsecured loans. In addition, at a banking institution's option, the Banking Department will evaluate one or more categories of consumer lending, if the banking institution has collected and maintained the data required by Regulation BB of the Board of Governors of the Federal Reserve System (12 CFR Part 228) for each category that the banking institution elects to have the Banking Department evaluate.

(2) The Department considers originations and purchases of loans. The Banking Department may also consider any other loan data the banking institution may choose to provide, including data on loans outstanding, commitments and letters of credit.

(3) The Department may consider loans originated or purchased by consortia in which the banking institution participates or by third parties in which the banking institution has invested.

(b) Performance criteria. The Department evaluates a banking institution's lending performance pursuant to criteria which may include the following:

(1) Lending activity. The number and amount of the banking institution's home mortgage, small business, minority- and women-owned business, small farm, and consumer loans, if applicable, in the banking institution's assessment area(s).

(2) Geographic distribution. The geographic distribution of the banking institution's home mortgage, small business, minority- and women-owned business, small farm, and consumer loans, if applicable, based on the loan location, including:

- (i) the proportion of the banking institution's lending in the banking institution's assessment area(s);
- (ii) the dispersion of lending in the banking institution's assessment area(s); and
- (iii) the number and amount of loans in low-, moderate-, middle-, and upper-income geographies in the banking institution's assessment area(s);

(3) Borrower characteristics. The distribution, particularly in the banking institution's assessment area(s), of the banking institution's home mortgage, small business, minority- and women-owned business, small farm, and consumer loans, if applicable, based on borrower characteristics, including the number and amount of:

- (i) home mortgage loans to low-, moderate-, middle-, and upper-income individuals;
- (ii) small business and small farm loans to businesses and farms with gross annual revenues of \$ 1 million or less;
- (iii) small business and small farm loans by loan amount at origination;
- (iv) loans to minority- and women-owned businesses;
- (v) consumer loans, if applicable, to low-, moderate-, middle-, and upper-income individuals; and
- (vi) the banking institution's use of innovative or flexible lending practices in a safe and sound manner to address the credit needs of low or moderate-income individuals.

(4) Community development lending. The banking institution's community development lending, including the number and amount of community development loans, and their complexity and innovativeness.

(5) Innovative or flexible lending practices. The banking institution's use of innovative or flexible lending practices in a safe and sound manner to address the credit needs of low- or moderate-income individuals or geographies, or minority- or women-owned businesses.

(c) Affiliate lending. Affiliate lending will be considered as follows:

(1) At a banking institution's option, the Banking Department will consider loans by an affiliate of the banking institution, if the banking institution provides data on the affiliate's loans to the Banking Department. The data provided should contain the information specified in Section 228.42 of Regulation BB of the Board of Governors of the Federal Reserve System (12 CFR Part 228).

(2) The Department considers affiliate lending subject to the following constraints:

- (i) no affiliate may claim a loan origination or loan purchase if another institution claims the same loan origination or purchase; and
- (ii) if a banking institution elects to have the Department consider loans within a particular lending category made by one or more of the banking institution's affiliates in a particular assessment area, the banking institution shall elect to have the Banking Department consider all the loans within that lending category in that particular assessment area made by all of the banking institution's affiliates.

(3) The Department does not consider affiliate lending in assessing a banking institution's performance under subparagraph (b)(2)(i) of this section.

(d) Lending by a consortium or a third party. Community development loans originated or purchased by a consortium in which the banking institution participates or by a third party in which the banking institution has invested:

(1) will be considered, at the banking institution's option, if the banking institution reports to the Department the data specified in Section 228.42 of Regulation BB of the Board of Governors of the Federal Reserve System (12 CFR Part 228) pertaining to these loans; and

(2) may be allocated among participants or investors, as they choose, for purposes of the lending test, except that no participant or investor:

(i) may claim a loan origination or loan purchase if another participant or investor claims the same loan origination or purchase; or

(ii) may claim loans accounting for more than its percentage share (based on the level of its participation or investment) of the total loans originated by the consortium or third party.

## **§ 76.12 Small banking institution performance standards**

(a) Performance criteria.

(1) Small banking institutions with assets of less than \$ 250 million. The Department evaluates the record of a small banking institution that is not, or that was not during the prior calendar year, an intermediate small bank, of helping to meet the credit needs of its assessment area(s) pursuant to the criteria set forth in paragraph (b) of this section.

(2) Intermediate small banking institutions. The Department evaluates the record of a small banking institution that is, or that was during the prior calendar year, an intermediate small banking institution, of helping to meet the credit needs of its assessment area(s) pursuant to the criteria set forth in paragraphs (b) and (c) of this section.

(b) Lending Test. A small banking institution's lending performance is evaluated pursuant to the following criteria:

(1) the banking institution's loan-to-deposit ratio, adjusted for seasonal variation and, as appropriate, other lending-related activities, such as loan originations for sale to the secondary markets, community development loans, or qualified investments;

(2) the percentage of loans and, as appropriate, other lending-related activities located in the banking institution's assessment area(s);

(3) the banking institution's record of lending to and, as appropriate, engaging in other lending-related activities for borrowers of different income levels, [and] businesses and farms of different sizes, and minority- and women-owned businesses;

(4) the geographic distribution of the banking institution's loans; and

(5) the banking institution's record of taking action, if warranted, in response to written complaints about its performance in helping to meet credit needs in its assessment area(s).

(c) Community development test. An intermediate small banking institution's community development performance also is evaluated pursuant to the following criteria:

- (1) the number and amount of community development loans;
- (2) the number and amount of qualified investments;
- (3) the extent to which the banking institution provides community development services; and

(4) the banking institution's responsiveness through such activities to community development lending, investment and service needs.

### **§ 76.13 Strategic plan**

(a) Alternative election. The Department will assess a banking institution's record of helping to meet the credit needs of its assessment area(s) under a strategic plan if:

(1) the banking institution has submitted the plan to the Banking Department as provided for in this section;

(2) the Department has approved the plan;

(3) the plan is in effect; and

(4) the banking institution has been operating under an approved plan for at least one year.

(b) Data reporting. The Department's approval of a plan does not affect the banking institution's obligation, if any, to report other required data.

(c) Plans in general.

(1) Term. A plan may have a term of no more than five years, and any multi-year plan must include annual interim measurable goals under which the Banking Department will evaluate the banking institution's performance.

(2) Multiple assessment areas. A banking institution with more than one assessment area may prepare a single plan for all of its assessment areas or one or more plans for one or more of its assessment areas.

(3) Treatment of affiliates. Affiliated institutions may prepare a joint plan if the plan provides measurable goals for each institution. Activities may be allocated among institutions at the institutions' option, provided that the same activities are not considered for more than one institution.

(d) Public participation in plan development. Before submitting a plan to the Department for approval, a banking institution shall:

(1) informally seek suggestions from members of the public in its assessment area(s) covered by the plan while developing the plan;

(2) once the banking institution has developed a plan, formally solicit public comment on the plan for at least 30 days by publishing notice in at least one newspaper of general circulation in each assessment area covered by the plan; and

(3) during the period of formal public comment, make copies of the plan available for review by the public at no cost at all offices of the banking institution in any assessment area covered by the plan and provide copies of the plan upon request for a reasonable fee to cover copying and mailing, if applicable.

(e) Submission of plan. The banking institution shall submit its plan to the Department at least three months prior to the proposed effective date of the plan. The banking institution shall also submit with its plan a description of its informal efforts to seek suggestions from members of the public, any written public comment received, and, if the plan was revised in light of the comment received, the initial plan as released for public comment.

(f) Plan content. The content of the plan shall be as follows:

(1) Measurable goals.

(i) A banking institution shall specify in its plan measurable goals for helping to meet the credit needs of each assessment area covered by the plan, particularly the needs of low- and moderate-income geographies, [and] low- and moderate-income individuals, and minority- and women-owned businesses, through lending, investment, and services, as appropriate.

(ii) A banking institution shall address in its plan all three performance categories and, unless the banking institution has been designated as a wholesale or limited purpose banking institution, shall emphasize lending and lending-related activities. Nevertheless, a different emphasis, including a focus on one or more performance categories, may be appropriate if responsive to the characteristics and credit needs of its assessment area(s), considering public comment and the banking institution's capacity and constraints, product offerings, and business strategy.

(2) Confidential information. A banking institution may submit additional information to the Banking Department on a confidential basis, but the goals stated in the plan must be sufficiently specific to enable the public and the Banking Department to judge the merits of the plan.

(3) Satisfactory and outstanding goals. A banking institution shall specify in its plan measurable goals that constitute "satisfactory" performance. A plan may specify measurable goals that constitute "outstanding" performance. If a banking institution submits, and the Banking Department approves, both "satisfactory" and "outstanding" performance goals, the Banking Department will consider the banking institution eligible for an "outstanding" performance rating.

(4) Election if satisfactory goals not substantially met. A banking institution may elect in its plan that, if the banking institution fails to meet substantially its plan goals for a satisfactory rating, the Banking Department will evaluate the banking institution's performance under the lending, investment, and service tests, the community development test, or the small banking institution performance standards, as appropriate.

(g) Plan approval. Approval of a plan shall be as follows:

(1) Timing. The Department will act upon a plan within 60 calendar days after receipt of the complete plan and other material required under subdivision (e) of this section. If the Banking Department fails to act within this time period, the plan shall be deemed approved unless the Department extends the review period for good cause.

(2) Public participation. In evaluating the plan's goals, the Department considers the public's involvement in formulating the plan, written public comment on the plan, and any response by the banking institution to public comment on the plan.

(3) Criteria for evaluating plan. The Department evaluates a plan's measurable goals using the following criteria, as appropriate:

(i) the extent and breadth of lending or lending-related activities, including, as appropriate, the distribution of loans among different geographies, businesses and farms of different sizes, and individuals of different income levels, the extent of lending to minority- and women-owned businesses, the extent of community development lending, and the use of innovative or flexible lending practices to address credit needs;

(ii) the amount and innovativeness, complexity, and responsiveness of the banking institution's qualified investments; and

(iii) the availability and effectiveness of the banking institution's systems for delivering retail banking services and the extent and innovativeness of the banking institution's community development services.

(h) Plan amendment. During the term of a plan, a banking institution may request the Department to approve an amendment(s) to the plan on grounds that there has been a material change in circumstances. The banking institution shall develop an amendment(s) to a previously approved plan in accordance with the public participation requirements of subdivision (d) of this section.

#### **§ 76.16. Minority- and women-owned business loan data collection.**

(a) Purpose. The purpose of this section is to facilitate the Department's evaluations of banking institutions' records of meeting the credit needs of their local communities, in compliance with to Section 28-b of the New York Banking Law, including the assessment factors delineated in Section 28-b(3)(a).

(b) Information gathering. Subject to the requirements of this section, in the case of any application by a business to a banking institution for credit, the banking institution shall:

(1) inquire whether the business is a minority- or women-owned business, without regard to whether such application is received in person, by mail, by telephone, by electronic mail or other form of electronic transmission, or by any other means, and whether or not such application is in response to a solicitation by the banking institution;

(2) at the time of application, notify such applicants in writing that:

(i) any applicant for credit may refuse to provide any information requested pursuant to this subdivision (b) in connection with any application for credit; and

(ii) that the banking institution is prohibited from discriminating on the basis of any information provided in response to an inquiry made pursuant to this subdivision (b); and

(3) maintain a record of the responses to such inquiry, separate from the application and accompanying information.

(c) A banking institution is neither required nor permitted to verify the minority-owned business status or women-owned business status that the applicant provides.

(d) No access by underwriters.

(1) Limitation. Where feasible, no loan underwriter or other officer or employee of a banking institution, or any affiliate of a banking institution, involved in making any determination concerning an application for credit shall have access to any information provided by the applicant pursuant to a request under subdivision (b) of this section in connection with such application.

(2) Limited access. If a banking institution determines that a loan underwriter or other officer or employee of a banking institution, or any affiliate of a banking institution, involved in making any determination concerning an application for credit should have access to any information provided by the applicant pursuant to a request under subdivision (b) of this section, the banking institution shall provide notice to the applicant, at the time of application or as reasonably practicable thereafter, of the access of the underwriter to such information.

(e) Form and manner of information.

(1) In general. As applicable, each banking institution shall compile and maintain a record of the information provided by any applicant identifying itself as a minority- or women-owned business pursuant to a request under subdivision (b) of this section, or a record that an applicant declined to provide such information.

(2) Itemization. Information compiled and maintained under paragraph (1) shall be itemized in order to clearly and conspicuously disclose:

(i) the number of the application and the date on which the application was received;

(ii) the type and purpose of the loan or other credit being applied for;

(iii) the amount of the loan, credit or credit limit applied for, and, if the application is approved, the amount of the credit transaction or the credit limit approved for such applicant;

(iv) the type of action taken with respect to such application, and the date of such action;

(v) the census tract in which the principal place of business of the minority- or women-owned business applicant is located;

(vi) the gross annual revenue of the business in the last fiscal year of the minority- or women-owned business applicant preceding the date of the application;

(vii) whether the business is a minority-owned business, a women-owned business, or both, as defined in this part, or whether the business has invoked its right to refuse to provide any information requested pursuant to this section; and

(viii) any additional data that the Department determines would aid in fulfilling the purposes of this section.

(3) No personally identifiable information. In compiling and maintaining any record of information under this section, a banking institution may not include in such record the name, specific address (other than the census tract required under paragraph (2)(v)), telephone number, electronic mail address, or any other personally identifiable information concerning any individual who is connected with the minority- or women-owned business applicant.

(f) Availability of information.

(1) Submission to Department. The data required to be compiled and maintained under this section by any banking institution shall be submitted to the Department upon the Department's request.

(2) Retention of information. Information compiled and maintained under this section shall be retained by the banking institution for not less than six years after the date of preparation;

(3) Availability of information. The Department and banking institutions will maintain any information compiled under this section that could be used to identify any applicant or their associated business as confidential, except as required by federal law.

(g) Alternative forms of compliance.

(1) The Department may, at its discretion, determine that a banking institution's or group of banking institutions' compliance with the requirements of Section 704B of the Equal Credit Opportunity Act, codified at 15 USC § 1691c-2, as implemented by regulation, shall constitute compliance with the requirements of this section.

(h) Application defined. For the purposes of this section only, the term "application" means an oral or written request for a loan or other extension of credit that is made in accordance with procedures used by a banking institution for the type of credit requested, and shall not mean (i) reevaluation, extension, or renewal requests on an existing business credit account, unless the request seeks additional credit amounts, or (ii) inquiries and prequalification requests.