

rent concessions. Contract rent is rent net of rental subsidies.

*Conventional mortgage* means a mortgage other than a mortgage as to which a GSE has the benefit of any guaranty, insurance or other obligation by the United States or any of its agencies or instrumentalities.

*Day* means a calendar day.

*Director* means the Director of OFHEO.

*Dwelling unit* means a room or unified combination of rooms intended for use, in whole or in part, as a dwelling by one or more persons, and includes a dwelling unit in a single-family property, multifamily property, or other residential or mixed-use property.

*ECOA* means the Equal Credit Opportunity Act (15 U.S.C. 1691 *et seq.*).

*Familial status* has the same definition as is set forth at 24 CFR 100.20.

*Family* means one or more individuals who occupy the same dwelling unit.

*Fannie Mae* means the Federal National Mortgage Association and any affiliate thereof.

*FHEFSA* means the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, codified generally at 12 U.S.C. 4501–4651.

*FOIA* means the Freedom of Information Act (5 U.S.C. 552).

*Freddie Mac* means the Federal Home Loan Mortgage Corporation and any affiliate thereof.

*Freddie Mac Act* means the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 *et seq.*).

*Government-sponsored enterprise* or *GSE* means Fannie Mae or Freddie Mac.

*Handicap* has the same definition as is set forth at 24 CFR 100.201.

*HUD* means the United States Department of Housing and Urban Development.

*Lender* means any entity that makes, originates, sells, or services mortgages, and includes the secured creditors named in the debt obligation and document creating the mortgage.

*Low-income area* means a census tract or block numbering area in which the median income does not exceed 80 percent of the area median income.

*Median income* means, with respect to an area, the unadjusted median family income for the area, as most recently determined and published by the Secretary.

*Metropolitan area* means a metropolitan statistical area ("MSA"), primary metropolitan statistical area ("PMSA"), or consolidated metropolitan statistical area ("CMSA"), designated by the Office of Management and Budget of the Executive Office of the President.

*Minority* means any individual who is included within any one of the following racial and ethnic categories:

(1) American Indian or Alaskan Native—a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition;

(2) Asian or Pacific Islander—a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands;

(3) African-American—a person having origins in any of the black racial groups of Africa; and

(4) Hispanic—a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

*Mortgage* means a member of such classes of liens, including subordinate liens, as are commonly given or are legally effective to secure advances on, or the unpaid purchase price of, real estate under the laws of the State in which the real estate is located, or a manufactured home that is personal property under the laws of the State in which the manufactured home is located, together with the credit instruments, if any, secured thereby, and includes interests in mortgages. "Mortgage" includes a mortgage, lien, including a subordinate lien, or other security interest on the stock or membership certificate issued to a tenant-stockholder or resident-member by a cooperative housing corporation, as defined in section 216 of the Internal Revenue Code of 1986, and on the proprietary lease, occupancy agreement, or right of tenancy in the dwelling unit of the tenant-stockholder or resident-member in such cooperative housing corporation.

*Mortgage data* means data obtained by the Secretary from the GSEs under subsection 309(m) of the Fannie Mae Charter Act and subsection 307(e) of the Freddie Mac Act.

*Mortgage purchase* means a transaction in which a GSE bought or otherwise acquired with cash or other thing of value, a mortgage for its portfolio or for securitization.

*Multifamily housing* means a residence consisting of more than 4 dwelling units. The term includes cooperative buildings and condominium projects.

*New England* means Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

*OFHEO* means the Office of Federal Housing Enterprise Oversight.

*Ongoing program* means a program that is expected to continue for the foreseeable future.

*Other underserved area* means any underserved area that is in a metropolitan area, but not in a central city.

*Owner-occupied unit* means a dwelling unit in single-family housing in which a mortgagor of the unit resides.

*Participation* means a fractional interest in the principal amount of a mortgage.

*Portfolio of loans* means 10 or more loans.

*Proprietary information* means all mortgage data and all AHAR information that the GSEs submit to the Secretary in the AHARs that contain trade secrets or privileged or confidential, commercial, or financial information that, if released, would be likely to cause substantial competitive harm.

*Public data* means all mortgage data and all AHAR information that the GSEs submit to the Secretary in the AHARs, that the Secretary determines are not proprietary and may appropriately be disclosed consistent with other applicable laws and regulations.

*Real estate mortgage investment conduit (REMIC)* means multi-class mortgage securities issued by a tax-exempt entity.

*Refinancing* means a transaction in which an existing mortgage is satisfied or replaced by a new mortgage undertaken by the same borrower. The term does not include:

(1) A renewal of a single payment obligation with no change in the original terms;

(2) A reduction in the annual percentage rate of the mortgage as computed under the Truth in Lending Act, with a corresponding change in the payment schedule;

(3) An agreement involving a court proceeding;

(4) A workout agreement, in which a change in the payment schedule or collateral requirements is agreed to as a result of the mortgagor's default or delinquency, unless the rate is increased or the new amount financed exceeds the unpaid balance plus earned finance charges and premiums for the continuation of insurance;

(5) The renewal of optional insurance purchased by the mortgagor and added to an existing mortgage; and

(6) A renegotiated balloon mortgage on a multifamily property where the balloon payment was due within 1 year after the date of the closing of the renegotiated mortgage.

*Rent* means, for a dwelling unit:

(1) When the contract rent includes all utilities, the contract rent; or