

Tangible Net Benefit

State	Type of Loan	Disclosure Required	State Form	Statute	Prohibited Rules
AL	None	No	None	None	None
AK	Refinance	No	None	Alaska Stat. § 06.60.350	(A) Covered persons may not refinance a mortgage within 12 months after the date the mortgage loan is closed unless the refinancing is beneficial to the borrower. (*Please review the Statute for additional factors to be considered*)
AZ	None	No	None	None	None
AR	Refinance	No	None	Ark. Code Ann. §§ 23-39-513(10) & 23-53-104(b)	It is prohibited under this statute: (10) To broker or make a refinancing of a residential mortgage loan when the refinancing charges, additional points, and fees within a 12 month period after the original loan agreement was signed, unless the refinancing results in a reasonable, tangible net benefit to the borrower, considering all of the circumstances surrounding the refinancing. (*Please review the Statute for additional factors to be considered*)
CA	Refinance	No	None	California Fin. Code 4973(j)	A person who originates a covered loan shall not refinance or arrange for the refinancing of a consumer loan such that the new loan is a covered loan that is made for the purpose of refinancing, debt consolidation or cash out, that does not result in an identifiable benefit to the consumer, considering the consumer's stated purpose for seeking the loan, fees, interest rate, finance charges, and points.
CO	None	No	None	None	None

State	Type of Loan	Disclosure Required	State Form	Statute	Prohibited Rules
CT	High-cost or non-prime refinancing	No	None	Connecticut Gen. Stat. 36-746e(8) Connecticut Gen. Stat. 36-760g(b)	(8) In the making of a high cost home loan no lender shall: Make such a loan to a borrower that refinances an existing loan unless the high cost home loan provides a benefit to the borrower considering all of the circumstances, including the terms of both the new and refinanced loans, the cost of the new loan, and the borrower's circumstances. (*Please review the Statute for additional factors to be considered*)
DE	None	No	None	None	None
DC	None	No	None	None	None
FL	Refinancing of high-cost loan within 18 months after closing	No	None	Florida Stat. Ann. 494.00791(9)	A lender, its affiliate, or an assignee shall not refinance any high-cost home loan to the same borrower within the first 18 months of the loan when the refinancing does not have a reasonable benefit to the borrower considering all circumstances, including but not limited to, the terms of both the new and refinanced loans, the cost of the new loan, and the borrower's circumstances.
GA	Refinancing of high-cost loan within 60 months after closing	No	None	Georgia Code Ann. §7-6A-4	No creditor may knowingly or intentionally engage in the unfair act or practice of "flipping" a home loan. Flipping a home loan is the consummating of a high-cost home loan to a borrower that refinances an existing home loan that was consummated within the prior five years when the new loan does not provide reasonable, tangible net benefit to the borrower.
HI	None	No	None	None	None
ID	None	No	None	None	None
IL	Any refinance and any high-cost refinance within 12 months of closing	No	None	815 Illinois Comp. Stat. Ann. 120/2(e) 815 Illinois Comp. Stat. Ann. 137/45	A Financial Institution shall not assist a person in refinancing a loan secured by the person's principal residence for the primary purpose of receiving fees related to the refinancing when (1) the refinancing of the loan results in no tangible benefit to the person, and at the time the loan is made, the financial institution does not reasonably believe the refinancing of the loan will result in a tangible benefit to the person.
IN	None	No	None	None	None
IA	None	No	None	None	None
KS	None	No	None	None	None

State	Type of Loan	Disclosure Required	State Form	Statute	Prohibited Rules
KY	None	No	None	None	None
LA	None	No	None	None	None
MA	Refinancing	Yes (Massachusetts worksheet)	Provided (see Resource Center)	Mass. Gen. Laws Ann. Ch. 183, § 28C; 209 Mass Code Regs. §53.07	A lender shall not knowingly make a home loan if the home loan pays off all or part of an existing home loan that was consummated within the prior 60 months or other debt of the borrower, unless the refinancing is in the borrower's interest.
MD	Refinancing	Yes (worksheet)	Provided (see Resource Center)	MD. Code Regs. 09.03.06.20 & 09.03.09.04	A mortgage loan originator has the duty to recommend to a borrower or induce a borrower to enter into only a mortgage refinancing that has a tangible net benefit to a borrower.
ME	Refinancing	Yes (worksheet)	Provided (see Resource Center)	Maine Rev. Stat. tit. 9-A §8-506(5) Maine Code Regs. 030-029- 5(A)(b1-6)-G	A creditor may not knowingly or intentionally engage in the act or practice of "flipping" a residential mortgage loan. "Flipping a residential mortgage loan" means the making of a residential mortgage loan to a borrower that refinances an existing residential mortgage loan when the new loan does not have a reasonable, tangible net benefit to the borrower.
MI	None	No	None	None	None
MN	Refinancing	No	None	Minnesota Stat. 58.13(23), (25)	No person acting as a residential mortgage originator or servicer shall "engage in churning". "Churning" means knowingly or intentionally making, providing, or arranging for a residential mortgage loan when the new residential mortgage loan does not provide a reasonable tangible net benefit to the borrower.
MO	None	No	None	None	None
MS	None	No	None	None	None
MT	None	No	None	None	None
NC	Refinancing	No	None	North Carolina Gen. Stat. 24-10.2 (c)	No lender may knowingly or intentionally engage in the unfair act or practice of "flipping" a consumer home loan. "Flipping" a consumer loan is the making of a consumer home loan to a borrower which refinances an existing consumer home loan when the new loan does not have reasonable, tangible net benefit to the borrower.
ND	None	No	None	None	None
NE	None	No	None	None	None
NH	None	No	None	None	None
NJ	None	No	None	None	None

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NM	Refinancing	No	None	New Mexico Stat. Ann. 58-21A-4(B) New Mexico Code Regs. 12.15.5.8, 9	No creditor shall knowingly and intentionally engage in the unfair act or practice of flipping a home loan. "Flipping a home loan" is the making of a home loan to a borrower that refinances an existing home loan when the new loan does not have reasonable, tangible net benefit to the borrower.
NV	None	No	None	None	None
NY	High Cost Refinancing	No	None	N.Y. Comp. Codes R. & Regs. Tit. 3, §41.5(b)(4)	The following acts shall be evidence the lender does not possess the requisite character required to be licensed or registered by the New York Department of Financial Services: "Flipping" brokering or making a high cost home loan to a borrower that refinances an existing mortgage loan when considering all the circumstances of the refinancing, such refinancing does not have a tangible benefit to the borrower. (*Please review the Statute for additional factors to be considered*)
OH	Refinancing, additional requirements for zero and low rate mortgages (please see statute)	Yes (worksheet)	(Please see resource center)	Ohio Rev. Code 1345.031(b)(4)(12) Ohio Admin. Code 109:4-3-26 (E)	(E) All records, worksheets, and supporting documentation used by the supplier in determining the "reasonable tangible net benefit" of a new loan that is a refinancing of the consumer's existing loan <u>shall be maintained by that supplier in the consumer's loan file for each residential mortgage loan transaction for a period of at least two years from the date of closing</u> , or as required by other applicable state or federal law, whichever time period is greater. Records required to be maintained by this rule may be retained in an electronic format.
OK	None	No	None	None	None
OR	None	No	None	None	None
PA	None	No	None	None	None

State	Type of Loan	Disclosure Required	State Form	Statute	Prohibited Rules
RI	Refinancing within prior 60 months	No	None	Rhode Island Gen. Laws§ 34-25.2-4(q) Rhode Island Gen. Laws§ 34-25.2-5(b)	(b) No creditor shall knowingly or intentionally engage in the unfair act or practice of flipping a home loan. "Flipping a home loan is the making of a home loan to a borrower that refinances an existing home loan that was consummated within the prior sixty (60) months when the new loan does not have reasonable, tangible net benefit in a accordance with subsection 34-25.2-4(q) to the borrower. (*Please review this subsection to view what constitutes as a tangible net benefit).
SC	Refinancing within 42 months of closing	No	None	South Carolina Code Ann. 37-23-20(8) South Carolina Code Ann. 37-23-70(A)	A lender may not engage knowingly or intentionally in the unfair act or practice of flipping a consumer home loan, which means a refinance within forty two (42) months of an existing consumer home loan when the new loan does not have a reasonable, tangible net benefit to the borrower. (*Please review the statue for list of items which constitutes as a tangible net benefit).
SD	None	No	None	None	None
TN	High-cost refinancing within 30 months of closing	No	None	Tennessee Code Ann. 45-20-103(4)	(4) No lender shall knowingly or intentionally make a high-cost home loan that refinances, within thirty (30) months, an existing home loan or high-cost home loan of the borrower, when the new loan does not have a reasonable benefit to the borrower.
TX	None	No	None	None	None
UT	None	No	None	None	None
VA	Refinancing within 12 months after closing	No	None	Virginia Code Ann. 6.2-1614(7)	No mortgage lender or mortgage broker shall knowingly or intentionally engage in the act or practice of refinancing a mortgage loan within 12 months following the date the refinanced mortgage loan was originated, unless the refinancing is in the borrower's best interest.
VG Isd.	None	No	None	None	None
VT	None	No	None	None	None

State	Type of Loan	Disclosure Required	State Form	Statute	Prohibited Rules
WA	Refinancing within 120 days of closing	No	None	Washington Admin. Code 208-620-560(4)(d)	If you make a new loan or increase a credit line within one hundred twenty days after originating a previous loan or credit line to the same borrower, the origination fee on the new loan or increased credit line must be limited to (*Please see the statute for specific limitations) . However, limitations do not apply if lender can demonstrate a net tangible benefit to the borrower for the new loan or credit line increase. Any tangible net benefit analysis must include the fees or charges for the new loan or credit line increase.
WI	Refinancing within 12 months after closing	No	None	Wisconsin Stat. 428.203(7)	No lender may make a covered loan that refinances an existing covered loan that the lender made to the same customer, unless the refinancing takes place at least one year after the date on which the loan being refinanced was made or the refinancing is in the interest of the customer.
WV	Refinancing within 24 months after closing	Yes	Yes	West Virginia Code Ann. 31-17-8(d)	The state disclosure is required when the lender is licensed under West Virginia Code 31-17-1 and Licensees who charge loan origination fees, investigative fees, or any combination may not charge them in any refinancing of that loan or any additional loan relating to the same property, within twenty four (24) months of the date of the original loan. However, if the refinancing results in a reasonable tangible net benefit to the borrower, the license may participate in a refinancing. *Each borrower must receive a copy of the TNB form at or before closing, and the original form must be retained in licensee's loan file for 3 years after date of refinancing.
WY	None	No	None	None	None

Commitment Letter

State		Disclosure Required	State Form	Statute	Prohibited Rules
NJ					
NY					
PA					