

2015 Referrals to DOJ

The 17 referrals in 2015 included the following types of alleged discrimination:

- 13 involving race or national origin;
- 3 involving source of income;
- 3 involving marital status;
- 1 involving sex;
- 1 involving age; and
- 1 involving familial status.¹⁴

As set forth in charts immediately following Section VI of this report, the referrals involved a wide range of discriminatory conduct and various types of credit, including mark ups in the pricing of automobile loans, redlining, underwriting, overt policies that discriminate on the bases of marital status and receipt of public assistance income, and discrimination based on familial status.

As noted earlier, the Division opened 11 investigations based on the 17 referrals in 2015.¹⁵ Additionally, at the end of 2015, we continued to investigate nine referrals (including four in which we have authorized lawsuits) received in prior years: six from the CFPB, two from the FRB, and one from the FDIC.¹⁶ Seven of these nine ongoing investigations involve race and national origin discrimination.

For six of the 17 referrals in 2015, we returned the matter to the referring agency for enforcement without opening an investigation, including in referrals where the referring agency specifically requested we defer to it for administrative enforcement. The referrals that were returned for administrative enforcement during 2015 are also described, by agency, in the charts following Section VI of this report. For each of the referrals we returned to the agencies, the Division evaluated the facts and circumstances of the matter in light of the factors described above. During 2015, key factors for returning a referral to the referring agency included the factors referenced in the 1996 memorandum discussed earlier in this section: the nature of the violation; whether the bank had revised the relevant lending policies and practices; whether the bank had taken, or expressed willingness to take, appropriate corrective action for any persons who were aggrieved by the discriminatory policy; and the number of potential victims and the magnitude of any damages they incurred.

¹⁴ Several referrals involved multiple protected classes; therefore, the number of referrals by protected class categories totals more than 17.

¹⁵ As explained elsewhere in this report, the Division has authority to enforce ECOA and the FHA on its own without a referral from another agency, and some of the 11 investigations had been opened prior to receipt of the referral on the same lender.

¹⁶ This includes two investigations that resulted in lawsuits filed in early 2016: *United States v. Evolve Bank & Trust* and *United States v. Toyota Motor Credit Corp.*

