

# Kansas

## STATE HIGH COST/PREDATORY LENDING REGULATIONS

Last Updated: 2/22/2018 By: BH

Coded: 2/27/2017 By: ZB

Reviewed: 3/1/2018 By: BH

**LAW:** Consumer Credit Code (Kan. Stat. Ann. 16a § 2.401)

**LOAN AMOUNT COVERED:** No limitation

**BORROWERS COVERED:**

- |                                     |               |                                     |        |
|-------------------------------------|---------------|-------------------------------------|--------|
| <input checked="" type="checkbox"/> | Individuals   | <input checked="" type="checkbox"/> | Trusts |
| <input type="checkbox"/>            | Organizations | <input type="checkbox"/>            | Other: |

**TOTAL LOAN AMOUNT (TLA) IS DEFINED AS:** Kan. Stat. Ann. 16a § 2.401

- |                          |  |                                     |             |
|--------------------------|--|-------------------------------------|-------------|
| <input type="checkbox"/> | Loan Amount as defined in HOEPA 226.32 | <input checked="" type="checkbox"/> | Note Amount |
| <input type="checkbox"/> | Loan Amount as defined in HCML 1026.32 | <input type="checkbox"/>            | Other:      |

**LOAN TYPES COVERED:**

- |                                     |              |                                     |     |
|-------------------------------------|--------------|-------------------------------------|-----|
| <input checked="" type="checkbox"/> | Conventional | <input checked="" type="checkbox"/> | FHA |
| <input checked="" type="checkbox"/> | VA           | <input checked="" type="checkbox"/> | RHS |
| <input type="checkbox"/>            | Other:       |                                     |     |

**LOAN PURPOSES COVERED:**

- |                                     |                            |                                     |                                    |
|-------------------------------------|----------------------------|-------------------------------------|------------------------------------|
| <input checked="" type="checkbox"/> | Purchase                   | <input checked="" type="checkbox"/> | Construction to Perm               |
| <input type="checkbox"/>            | Builder                    | <input checked="" type="checkbox"/> | Refinance                          |
| <input checked="" type="checkbox"/> | Equity Out                 | <input checked="" type="checkbox"/> | Home Equity Closed End             |
| <input checked="" type="checkbox"/> | One Time Closing           | <input type="checkbox"/>            | Modification                       |
| <input checked="" type="checkbox"/> | Purchase Plus Improvements | <input checked="" type="checkbox"/> | Refinance Plus Improvements        |
| <input checked="" type="checkbox"/> | Lot Loan                   | <input checked="" type="checkbox"/> | Home Improvement                   |
| <input checked="" type="checkbox"/> | Borrower Interim           | <input checked="" type="checkbox"/> | One Time Closing with Modification |
| <input checked="" type="checkbox"/> | HELOC                      | <input checked="" type="checkbox"/> | Assumption                         |

**BRIDGE LOANS COVERED**

- |                                     |     |                          |    |
|-------------------------------------|-----|--------------------------|----|
| <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/> | No |
|-------------------------------------|-----|--------------------------|----|

**PROPERTY OCCUPANCY COVERED:**

- |                                     |                   |                                     |             |
|-------------------------------------|-------------------|-------------------------------------|-------------|
| <input checked="" type="checkbox"/> | Primary Residence | <input checked="" type="checkbox"/> | Second Home |
| <input checked="" type="checkbox"/> | Investment        | <input checked="" type="checkbox"/> | Raw Land    |

**APR THRESHOLDS:**

- |                          |     |                          |              |                          |        |
|--------------------------|-----|--------------------------|--------------|--------------------------|--------|
| <input type="checkbox"/> | APR | <input type="checkbox"/> | Unteased APR | <input type="checkbox"/> | Other: |
|--------------------------|-----|--------------------------|--------------|--------------------------|--------|

First Lien: N/A %

Subordinate Lien: N/A %

**APR COMPARED AGAINST:**

- |                          |                |                          |            |
|--------------------------|----------------|--------------------------|------------|
| <input type="checkbox"/> | APOR           | <input type="checkbox"/> | APR Itself |
| <input type="checkbox"/> | Treasury Yield | <input type="checkbox"/> | Other:     |

**DATE FOR APR TEST:**

Application  
 Other:

Closing

**FEE TEST METHOD:** Kan. Stat. Ann. 16a § 2.401

Use HC Flag  
 Use APR & Paid To (§1026.32)  
 Use APR & Paid To, except: Include ALL APR fees

**FEE TEST THRESHOLDS:** Kan. Stat. Ann. 16a § 2.401

All liens: 5 % of APR fees paid to lender  $\geq$  TLA  
8 % max APR fees  $\geq$  TLA

**ADJUSTMENTS:**

No  Yes | How:

**FEES INCLUDED IN TEST:** Kan. Stat. Ann. 16a § 2.401

APR fees

**OTHER ITEMS TO BE TESTED/CONSIDERED:** Kan. Stat. Ann. 16a § 2.401

(a) For a consumer loan secured by a first mortgage or a second mortgage, or a consumer loan secured by an interest in a manufactured home as defined by 42 U.S.C. § 5402(6), prepaid finance charges in an amount not to exceed 8% of the amount financed may be charged, provided that the aggregate amount of prepaid finance charges payable to the lender or any person related to the lender do not exceed 5% of the amount financed

**SPECIAL NOTES: [INCLUDE SOURCE LINKS OR SECTION NUMBER]**