

# Moody's Criteria for Evaluating Representations and Warranties in U.S. Residential Mortgage Backed Securitizations (RMBS)

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## SUMMARY OPINION

Moody's is updating its rating criteria for evaluating the protection afforded by loan-level representations and warranties (RWAs). Our goal with this report is to standardize our methodology so that Moody's is equipped to further employ its ability to assess credit risk. The credit benefit that Moody's ascribes to the RWAs will depend upon a) the content of the specific RWAs, b) the contractual oversight and remedies in place for breaches of RWAs and c) the financial strength of the entity making the loan-level RWAs and, where applicable, the strength of its negotiation processes and procedures. Although Moody's has reviewed RWAs as part of its overall evaluation of transactions in the past, our updated criteria more specifically address the aspects of RWAs that we believe will improve transparency, data integrity and accountability for U.S. RMBS. The updated criteria described in this report generally will apply to U.S. RMBS issued after the publication date of this paper. Moody's welcomes your comments on this special report; please direct them to [spu@moody.com](mailto:spu@moody.com).

## Representations and Warranties

Moody's has identified a baseline set of RWAs, which can be found in Appendix A. The first ten representations and warranties listed in appendix A are based on those set forth in Moody's special report "Moody's Proposed Enhancements to U.S. Residential Mortgage Securitizations: Call for Comments," published on March 26, 2008. They cover matters such as property valuations, income verification, fraud and data accuracy. Moody's believes that the RWAs listed in Appendix A would afford investors greater protection than those typically found in past securitizations. In addition, Moody's has identified a minimum set of RWAs that an RMBS transaction must include for Moody's to rate the transaction, though it is unlikely that the securities issued in a transaction providing only the minimum RWAs will achieve an investment grade rating. These minimum RWAs can be found in Appendix B.

## Overview of Moody's RMBS Enhancements Proposals

On March 26, 2008, Moody's published five proposals to enhance the U.S. RMBS securitization process.<sup>1</sup> These proposals were: increased loan-level data, stronger representations and warranties, independent third-party and construction loan audits, standardized forensic reviews for nonperforming loans, and more comprehensive servicer assessments. These enhancements are intended to work together to improve the quality and transparency of information for RMBS investors.

This paper addresses changes to representations and warranties. In this special report we present a baseline set of RWAs and our criteria for analyzing the RWAs provided for a transaction.

Separate papers released concurrently with this paper focus on pre- and post-securitization independent third-party reviews and loan-level origination documentation.

Moody's continues to work with the American Securitization Forum (ASF) on Project RESTRUCT and the Servicing Industry and Financial Markets Advisory and Policy Institute on industry consensus for our proposed enhancements for U.S. RMBS securitizations, including increased loan-level data. The results of these efforts are expected to be reported in Moody's publications throughout 2009.

<sup>1</sup> See "Moody's Proposed Enhancements to U.S. Residential Mortgage Securitizations: Call for Comments."



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