§ 338.3 Nondiscriminatory advertising  
(a) Bank means an insured State non-member bank as defined in section 3 of the Federal Deposit Insurance Act.  
(b) Dwelling means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, portion thereof.  
(c) Handicap means, with respect to a person:  
(1) A physical or mental impairment which substantially limits one or more of such person’s major life activities;  
(2) A record of having such an impairment; or  
(3) Being regarded as having such an impairment, but such term does not include current, illegal use of or addition to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).  
(d) Familial status means one or more individuals (who have not attained the age of 18 years) being domiciled with:  
(1) A parent or another person having legal custody of such individual or individuals; or  
(2) The designee of such parent or other person having such custody, with the written permission of such parent or other person.  

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.  
[56 FR 50039, Oct. 3, 1991]

§ 338.4 Fair housing poster  
(a) Each bank engaged in extending loans for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling or any loan secured by a dwelling shall conspicuously display either the Equal Housing Lender poster set forth in paragraph (b) of this section or the Equal Housing Opportunity poster prescribed by §110.25(a) of the United States Department of Housing and Urban Development’s regulations (24 CFR 110.25(a)).  

(b) The Equal Housing Lender Poster shall be at least 11 by 14 inches in size and have the following text:
We Do Business in Accordance With
Federal Fair Lending Laws

UNDER THE FEDERAL FAIR HOUSING ACT, IT IS ILLEGAL
ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN,
RELIGION, SEX, HANDICAP, OR FAMILIAL
STATUS (HAVING CHILDREN UNDER THE AGE OF 18), TO:

• Deny a loan for the purpose of purchasing, constructing,
  improving, repairing, or maintaining a dwelling, or deny
  any loan secured by a dwelling; or
• Discriminate in fixing the amount, interest rate, duration,
  application procedure or other terms or conditions of
  such a loan, or in appraising property.

IF YOU BELIEVE YOU HAVE BEEN DISCRIMINATED AGAINST,
YOU SHOULD SEND A COMPLAINT TO:
Assistant Secretary for Fair Housing and Equal Opportunity
Department of Housing & Urban Development
Washington, DC 20410
For processing under the Federal Fair Housing Act
and to:
FDIC Consumer Response Center
2345 Grand Boulevard, Suite 100
Kansas City, Missouri 64108
For processing under the FDIC Regulations

UNDER THE EQUAL CREDIT OPPORTUNITY ACT, IT IS
ILLEGAL TO DISCRIMINATE IN ANY CREDIT TRANSACTION:

• On the basis of race, color, national origin, religion, sex,
  marital status, or age
• Because income is from public assistance, or
• Because a right was exercised under the Consumer
  Credit Protection Act

IF YOU BELIEVE YOU HAVE BEEN DISCRIMINATED AGAINST,
YOU SHOULD SEND A COMPLAINT TO:
FDIC Consumer Response Center
2345 Grand Boulevard, Suite 100
Kansas City, Missouri 64108

(c) The Equal Housing Lender Poster specified in this section was adopted under §110.25(b) of the United States Department of Housing and Urban Development’s rules and regulations as an authorized substitution for the poster.
§ 338.5 Purpose.
The purpose of this subpart B is two-fold. First, this subpart B notifies all insured state nonmember banks of their duty to collect and retain certain information about a home loan applicant’s personal characteristics in accordance with Regulation B of the Board of Governors of the Federal Reserve System (12 CFR part 202) in order to monitor an institution’s compliance with the Equal Credit Opportunity Act of 1974 (15 U.S.C. 1691 et seq.). Second, this subpart B notifies certain insured state nonmember banks of their duty to maintain, update and report a register of home loan applications in accordance with Regulation C of the Board of Governors of the Federal Reserve System (12 CFR part 203), which implements the Home Mortgage Disclosure Act (12 U.S.C. 2801 et seq.).

§ 338.6 Definitions applicable to this subpart B.
For purposes of this subpart B—
(a) Bank means an insured state nonmember bank as defined in section 3 of the Federal Deposit Insurance Act.
(b) Controlled entity means a corporation, partnership, association, or other business entity with respect to which a bank possesses, directly or indirectly, the power to direct or cause the direction of management and policies, whether through the ownership of voting securities, by contract, or otherwise.

§ 338.7 Recordkeeping requirements.
All banks that receive an application for credit primarily for the purchase or refinancing of a dwelling occupied or to be occupied by the applicant as a principal residence where the extension of credit will be secured by the dwelling shall request and retain the monitoring information required by Regulation B of the Board of Governors of the Federal Reserve System (12 CFR part 202).

PART 339—LOANS IN AREAS HAVING SPECIAL FLOOD HAZARDS

Sec.
339.1 Authority, purpose, and scope.
339.2 Definitions.
339.3 Requirement to purchase flood insurance where available.
339.4 Exemptions.
339.5 Escrow requirement.