

**Comptroller of the Currency, Treasury**

**§ 141.1**

arbitrary decisions based on age or location are prohibited, since many older, soundly constructed homes provide housing opportunities which may be precluded by an arbitrary lending policy.

(8) *Fair Housing Act (title VIII, Civil Rights Act of 1968, as amended)*. Savings associations must comply with all regulations promulgated by the Department of Housing and Urban Development to implement the Fair Housing Act, found at 24 CFR parts 100 through 125, except that they shall use the Equal Housing Lender logo and poster prescribed by OCC regulations at 12 CFR 128.4 and 128.5 rather than the Equal Housing Opportunity logo and poster required by 24 CFR part 110.

(d) *Marketing practices*. Savings associations should review their advertising and marketing practices to ensure that their services are available without discrimination to the community they serve. Discrimination in lending is not limited to loan decisions and underwriting standards; a savings association does not meet its obligations to the community or implement its equal lending responsibility if its marketing practices and business relationships with developers and real estate brokers improperly restrict its clientele to segments of the community. A review of marketing practices could begin with an examination of an association's loan portfolio and applications to ascertain whether, in view of the demographic characteristics and credit demands of the community in which the institution is located, it is adequately serving the community on a nondiscriminatory basis. The OCC will systematically review marketing practices where evidence of discrimination in lending is discovered.

**§ 128.10 Supplementary guidelines.**

The policy statement found at 12 CFR 128.9 supplements this part and should be read together with this part. Refer also to the HUD Fair Housing regulations at 24 CFR parts 100 through 125, Federal Reserve Regulation B at 12 CFR part 202, and Federal Reserve Regulation C at 12 CFR part 203.

**§ 128.11 Nondiscriminatory appraisal and underwriting.**

(a) *Appraisal*. No savings association may use or rely upon an appraisal of a dwelling which the savings association knows, or reasonably should know, is discriminatory on the basis of the age or location of the dwelling, or is discriminatory per se or in effect under the Fair Housing Act of 1968 or the Equal Credit Opportunity Act.

(b) *Underwriting*. Each savings association shall have clearly written, nondiscriminatory loan underwriting standards, available to the public upon request, at each of its offices. Each association shall, at least annually, review its standards, and business practices implementing them, to ensure equal opportunity in lending.

NOTE TO §128.11: See also, §128.9(b), (c)(6), and (c)(7).

**PARTS 129–140 [RESERVED]**

**PART 141—DEFINITIONS FOR REGULATIONS AFFECTING FEDERAL SAVINGS ASSOCIATIONS**

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AUTHORITY: 12 U.S.C. 1462a, 1463, 1464, 5412(b)(2)(B).

SOURCE: 76 FR 48990, Aug. 9, 2011, unless otherwise noted.

**§ 141.1 When do the definitions in this part apply?**

The definitions in this part and in 12 CFR part 161 apply throughout parts 100 through 199 of this chapter, unless another definition is specifically provided.

**§ 141.2**

**12 CFR Ch. I (1–1–23 Edition)**

**§ 141.2 [Reserved]**

**§ 141.5 Commercial paper.**

The term *commercial paper* means any note, draft, or bill of exchange which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which has a maturity at the time of issuance of not exceeding nine months, exclusive of days of grace, or any renewal thereof the maturity of which is likewise limited.

**§ 141.7 Corporate debt security.**

The term *corporate debt security* means a marketable obligation, evidencing the indebtedness of any corporation in the form of a bond, note and/or debenture which is commonly regarded as a debt security and is not predominantly speculative in nature. A security is marketable if it may be sold with reasonable promptness at a price which corresponds reasonably to its fair value.

**§ 141.8 [Reserved]**

**§ 141.10 Dwelling unit.**

The term *dwelling unit* means the unified combination of rooms designed for residential use by one family, other than a single-family dwelling.

**§ 141.11 Federal savings association.**

The term *Federal savings association* means a Federal savings association or Federal savings bank chartered under section 5 of the Act.

**§ 141.14 Home.**

The term *home* means real estate comprising a single-family dwelling(s) or a dwelling unit(s) for four or fewer families in the aggregate.

**§ 141.15–141.19 [Reserved]**

**§ 141.20 Loans.**

The term *loans* means obligations and extensions or advances of credit; and any reference to a loan or investment includes an interest in such a loan or investment.

**§ 141.21 Nonresidential real estate.**

The terms *nonresidential real estate* or *nonresidential real property* mean real

estate that is not *residential real estate*, as that term is defined in § 141.23 of this part.

**§ 141.22 [Reserved]**

**§ 141.23 Residential real estate.**

The terms *residential real estate* or *residential real property* mean:

- (a) Homes (including a dwelling unit in a multi-family residential property such as a condominium or a cooperative);
- (b) Combinations of homes and business property (*i.e.*, a home used in part for business);
- (c) Other real estate used for primarily residential purposes other than a home (but which may include homes);
- (d) Combinations of such real estate and business property involving only minor business use (*i.e.*, where no more than 20 percent of the total appraised value of the real estate is attributable to the business use);
- (e) Farm residences and combinations of farm residences and commercial farm real estate;
- (f) Property to be improved by the construction of such structures; or
- (g) Leasehold interests in the above real estate.

**§ 141.25 Single-family dwelling.**

The term *single-family dwelling* means a structure designed for residential use by one family, or a unit so designed, whose owner owns, directly or through a non-profit cooperative housing organization, an undivided interest in the underlying real estate, including property owned in common with others which contributes to the use and enjoyment of the structure or unit.

**§ 141.26 Surplus.**

The term *surplus* means undistributed earnings held as unallocated reserves for general corporate use.

**PART 142 [RESERVED]**

**PART 143—FEDERAL SAVINGS ASSOCIATIONS—GRANDFATHERED AUTHORITY**

AUTHORITY: 12 U.S.C. 1462a, 1463, 1464, 1467a, 2901 *et seq.*, 5412(b)(2)(B).