FEDERAL HOUSING FINANCE AGENCY

[No. 2026–N–7]

Questions and Answers Regarding the Affordable Housing Program and Questions and Answers Regarding the Affordable Housing Program—Part 2

AGENCY: Federal Housing Finance Agency.

ACTION: Notice.

SUMMARY: The Federal Housing Finance Agency (FHFA) is issuing a Notice rescinding its December 23, 1997 ''Questions and Answers Regarding the Affordable Housing Program'' and its March 11, 1999 ''Questions and Answers Regarding the Affordable Housing Program—Part 2.''

DATES: As of July 13, 2026, the Questions and Answers Regarding the Affordable Housing Program published at 62 FR 66977 (December 23, 1997) and the Questions and Answers Regarding the Affordable Housing Program—Part 2 at 64 FR 12079 (March 11, 1999) are withdrawn.

FOR FURTHER INFORMATION CONTACT: Leda Bloomfield, Senior Associate Director, Division of Housing Mission and Goals, (202) 649–3415, *Leda.Bloomfield@fhfa.gov,* Lindsay Spadoni, Associate General Counsel, Office of General Counsel, (202) 649–3634, *Lindsay.Spadoni@fhfa.gov.* These are not toll-free numbers. For TTY/TRS users with hearing and speech disabilities, dial 711 and ask to be connected to any of the contact numbers above.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Home Loan Bank Act (Bank Act) requires each Federal Home Loan Bank (FHLBank) to establish an affordable housing program, the purpose of which is to enable Bank members to provide subsidies for long-term, low- and moderate-income, owner-occupied and affordable rental housing.[1] In December 1997, the Federal Housing Finance Board (Finance Board), a predecessor agency to FHFA with authority to regulate and supervise the FHLBank System, published in the **Federal Register** ''Questions and Answers Regarding the Affordable Housing Program'' after adopting an Affordable Housing Program (AHP) regulation but before the regulation became effective on January 1, 1998 and, subsequently published in the **Federal Register** ''Questions and Answers Regarding the Affordable Housing Program—Part 2'' in March 1999 (collectively, ''Q&As'') in response to questions about changes in the Finance Board's AHP regulation, as amended by an interim final rule effective June 19, 1998.[2] The Q&As constituted informal staff guidance for Finance Board personnel, the FHLBank members, and program participants.[3] As noted in each **Federal Register** notice, ''[t]he Answers are intended to be interpretative of the AHP regulation, and are not statements of agency policy'' and were not considered or approved by the Board of Directors of the Finance Board.[4] Administration of guidance developed by the Finance Board transferred to FHFA by operation of law when the Finance Board was abolished in 2009.[5]

II. Analysis

Pursuant to Executive Order 14219, FHFA reviewed its regulations for consistency with law and Administration policy.[6] FHFA also reviewed existing FHFA guidance, including guidance originally published by the Finance Board, with the goal of alleviating unnecessary regulatory burdens and improving prudence and financial responsibility in the expenditure of funds from both public and private sources. FHFA has found that the guidance in the Q&As has been codified in FHFA regulations or is inconsistent with later regulatory amendments and should be rescinded in their entireties. Accordingly, FHFA is issuing this Notice to rescind the Q&As.

III. Considerations of Differences Between the Banks and the Enterprises

Section 1313(f) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as amended, requires the Director of FHFA, when promulgating regulations or taking any other formal or informal agency action of general applicability relating to the FHLBanks, to consider the differences between the FHLBanks and the Enterprises (Fannie Mae and Freddie Mac) as they relate to: the FHLBanks' cooperative ownership structure; the mission of providing liquidity to members; the affordable housing and community development mission; their capital structure; and their joint and several liability on consolidated obligations.[7] The Director also may consider any other differences that are deemed appropriate. In preparing this Notice, the Director considered the differences between the FHLBanks and the Enterprises as they relate to the above factors and determined that the Notice is appropriate.

IV. Regulatory Impacts

A. Administrative Procedure Act

Rescission of the guidance set forth in the Q&As is a Notice issued under FHFA's authority to interpret the Bank Act.[8] As a Notice, it is exempt from the notice-and-comment rulemaking requirements of the Administrative Procedure Act (APA) pursuant to 5 U.S.C. 553(b)(A).

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA) requires that a regulation that has a significant economic impact on a substantial number of small entities, small businesses, or small organizations must include an initial regulatory flexibility analysis describing the regulation's impact on small entities. FHFA is not required to complete an initial or final regulatory flexibility analysis pursuant to the RFA (5 U.S.C. 603), because, as discussed above, this Notice is not subject to notice-and-comment rulemaking requirements under the APA.

C. Paperwork Reduction Act

The Notice does not contain any changes to information collection requirements that require the approval of the Office of Management and Budget (OMB) under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Therefore, FHFA has not submitted any information to OMB for review.

D. Executive Order 12866–Regulatory Planning and Review; Executive Order 13563–Improving Regulation and Regulatory Review

Executive Order 14215 (Independent Agency Accountability) amended Executive Order 12866 (Regulatory Planning and Review) to include in its definition of ''agency,'' those agencies under 44 U.S.C. 3502(1) including any ''independent regulatory agency.'' Accordingly, pursuant to Executive Order 12866 as amended and reaffirmed by Executive Order 13563, FHFA must

[1] 12 U.S.C. 1430(j).

[2] 62 FR 66977 (Dec. 23, 1997) and 64 FR 12079 (March 11, 1999).

[3] *Id.*

[4] *Id.*

[5] *See generally,* Public Law 110–289, sec. 1311(a) and 1312(a), 122 Stat. 2797 and 2798 (July 30, 2008), codified at 12 U.S.C. 4511 note.

[6] Executive Order 14219–*Ensuring Lawful Governance and Implementing the President's ''Department of Government Efficiency'' Deregulatory Initiative,* February 19, 2025 (90 FR 10583 (Feb. 25, 2025)).

[7] 12 U.S.C. 4513(f).

[8] *See generally,* 12 U.S.C. 4511(b)(2) and 4513(a)(1)(B).

determine whether its regulatory action is ''significant'' and subject to review by the Office of Information and Regulatory Affairs (OIRA). Executive Order 12866 section 3(f) defines a ''significant regulatory action'' as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order. FHFA has determined the Notice not to be a ''significant regulatory action'' for purposes of Executive Order 12866. OIRA has concurred in this determination, and therefore, the Notice is not subject to review under Executive Order 12866.

E. Executive Order 14192–Unleashing Prosperity Through Deregulation

Executive Order 14192 requires that an agency, unless prohibited by law, identify at least 10 existing regulations to be repealed when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation with total costs greater than zero. Executive Order 14192 further requires that new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least ten prior regulations. This Notice is expected to be an Executive Order 14192 deregulatory action with *de minimis* regulatory cost savings.

Clinton Jones,

General Counsel, Federal Housing Finance Agency.

[FR Doc. 2026–14037 Filed 7–10–26; 8:45 am]

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FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than August 12, 2026.

A. Federal Reserve Bank of Chicago (Christopher Koopmans, Senior Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414. Comments can also be sent electronically to *Comments.applications@chi.frb.org:*

1. *OppFi, Inc., Chicago, Illinois;* to become a bank holding company by acquiring BNCCORP, Inc., Bismarck, North Dakota, and thereby indirectly acquiring BNC National Bank, Glendale, Arizona.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–14064 Filed 7–10–26; 8:45 am]

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FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage de novo, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than August 12, 2026.

A. Federal Reserve Bank of Dallas (Lindsey Wieck, Director, Mergers & Acquisitions) 2200 North Pearl Street, Dallas, Texas 75201–2272. Comments can also be sent electronically to *Comments.applications@dal.frb.org:*

1. *Legend Bancorp, Inc., Bowie, Texas;* to acquire Graham Savings Financial Corporation, and thereby