FEDERAL DEPOSIT INSURANCE CORPORATION
NATIONAL CREDIT UNION ADMINISTRATION
OFFICE OF THE COMPTROLLER OF THE CURRENCY
CONSUMER FINANCIAL PROTECTION BUREAU
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
DEPARTMENT OF JUSTICE
FEDERAL HOUSING FINANCE AGENCY

[Docket No. FR-6606-N-01]

Interagency Rescission of the Interagency Statement on Special Purpose Credit Programs Under the Equal Credit Opportunity Act and Regulation B

AGENCY: The Federal Deposit Insurance Corporation (FDIC), the National Credit Union Administration (NCUA), the Office of the Comptroller of the Currency (OCC), the Consumer Financial Protection Bureau (CFPB or Bureau), the Department of Housing and Urban Development (HUD), the Department of Justice (DOJ), and the Federal Housing Finance Agency (FHFA)

ACTION: Notice.

SUMMARY: FDIC, NCUA, OCC, CFPB, HUD, DOJ, and FHFA (collectively, the agencies) are issuing this notice to inform the public of the rescission of the "*Interagency Statement on Special Purpose Credit Programs Under the Equal Credit Opportunity Act and Regulation B*" (Interagency Statement), dated February 22, 2022. The agencies are rescinding the Interagency Statement to make clear that (1) creditors may not discriminate against borrowers based on prohibited characteristics and (2) creditors should not rely upon the Interagency Statement or other related issuances going forward.

DATES: *Effective date:* [**INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER**].

FOR FURTHER INFORMATION CONTACT:

FDIC: Luke H. Brown, Associate Director, Supervision Policy Branch, Division of Depositor and Consumer Protection, Federal Deposit Insurance Corporation, 550 17th Street NW Room F-7058, Washington DC 20429. Telephone number (202) 898-3842.

NCUA: Frank Kressman, General Counsel, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314-3428. Telephone number (703) 518-6540.

OCC: Melissa Love, Deputy Comptroller, Compliance and Operational Risk, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. (202) 649-5420. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

CFPB: Dave Gettler, Paralegal Specialist, Office of Regulations, Consumer Financial Protection Bureau, 445 12th Street SW, Washington, DC 20024-2101. Telephone number (202) 435-7700.

HUD: Trey Tagert, Senior Advisor, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410. Telephone number (202) 402–4252 (This is not a toll-free number.). Individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities, have the option of making an accessible telephone call. For more information, please visit: https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.

DOJ: Eric Sell, Deputy Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, at (202) 307-0663 (voice or TTY). This is not a toll-free number. Information may also be obtained from the Department’s toll-free ADA Information Line at (800) 514-0301 (voice) or 1-833-610-1264 (TTY). You may obtain copies of this rule in an alternative format by calling the ADA Information Line at (800) 514-0301 (voice) or 1-833-610-1264 (TTY). This rule is also available on *www.ada.gov.*

FHFA: Aaron Kofsky, Senior Advisor to the Director, Division of Housing Mission and Goals, Federal Housing Finance Agency, 400 Seventh Street SW, Washington, DC 200219. Telephone number (202) 402-4252 (This is not a toll-free number.) Individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities, have the option of making an accessible telephone call. For more information, please visit: https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.

SUPPLEMENTARY INFORMATION:

In accordance with Executive Order 14192, “Unleashing Prosperity Through Deregulation,”[1] and Executive Order 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative,”[2] agencies are required to review their sub-regulatory guidance and policy statements to enhance the effectiveness of these documents and promote principles underlying the rule of law.

Furthermore, Executive Order 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing,”[3] Executive Order 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity,”[4] and Executive Order 14281, “Restoring Equality of Opportunity and Meritocracy,”[5] establish principles of nondiscrimination for agencies to follow. Accordingly, agencies are revisiting prior guidance that may have sanctioned or encouraged participation in discriminatory programs and activities.

I. Background.

The 2022 Interagency Statement encouraged creditors to offer special purpose credit programs that “meet the credit needs of specified classes of persons” and gave assurances to

[1] 90 FR 9065 (January 31, 2025).
[2] 90 FR 10583 (February 19, 2025).
[3] 90 FR 8339 (January 20, 2025).
[4] 90 FR 8633 (January 21, 2025).
[5] 90 FR 17537 (April 23, 2025).

participants that were uncertain about the permissibility of such credit programs. However, the Interagency Statement referenced a provision of Regulation B, Equal Credit Opportunity Act's (ECOA) implementing regulation, that has since been amended.[6] The earlier version of Regulation B permitted creditors to implement lending programs based on the race, color, national origin, or sex of the applicant under certain circumstances, and the Interagency Statement and other related guidance referenced that earlier version of the provision. Similarly, the assurance given with respect to conformity with the Fair Housing Act (FHA) was based on an interpretation promulgated under HUD guidance that is no longer in effect. These prior interpretations cannot be reconciled with the statutory text of ECOA and the FHA, which expressly prohibit discrimination against individuals based on prohibited characteristics.[7] Furthermore, the Supreme Court has been consistent that race-based policies are subject to higher scrutiny and that a general desire to remedy societal discrimination does not satisfy such threshold.[8] The enhanced standards and eligibility criteria in the revised Regulation B reflect these nondiscrimination principles and are consistent with the statutory text of ECOA.[9]

The agencies have already taken a number of actions to withdraw or revise their own guidance, consistent with those nondiscrimination principles, as listed below:

- "FHEO Statement on the Fair Housing Act and Special Purpose Credit Programs" issued by HUD on December 7, 2021, and withdrawn as of September 17, 2025;
- "Office of General Counsel Guidance on the Fair Housing Act's Treatment of Certain Special Purpose Credit Programs That are Designed and Implemented in Compliance with

[6] 91 FR 21620 (April 22, 2026).
[7] *See* 15 U.S.C. § 1691(a) and 42 U.S.C. § 3605, respectively; *see also* 91 FR at 21649-58. While overlapping, the prohibited characteristics and covered persons under ECOA are not identical to those in FHA.
[8] *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 600 U.S. 181 (2023).
[9] 91 FR 21620 (April 22, 2026).

the Equal Credit Opportunity Act and Regulation B" issued by HUD on December 6, 2021, and withdrawn as of September 25, 2025; and

- Advisory Opinion entitled "Equal Credit Opportunity (Regulation B); Special Purpose Credit Programs" issued by CFPB on December 21, 2020, and withdrawn as of June 17, 2026.

II. Rescission

It is the shared view of the agencies that rescission of the Interagency Statement is necessary to ensure that creditors do not rely on it to engage in discriminatory activities that are inconsistent with ECOA and Regulation B and, to the extent applicable, the FHA.

For the reasons stated in this notice, the agencies rescind the guidance provided in the Interagency Statement, effective immediately. All special purpose credit programs must comply with ECOA, and its implementing regulation, Regulation B, and the FHA. Federal law does not authorize any generalized remedial "equity" initiatives absent specific cases of unlawful discrimination, and creditors should not rely upon previous guidance which may have suggested otherwise.

Benjamin K. Olson,
Director, Division of Depositor & Consumer Protection, Federal Deposit Insurance Corporation

Frank Kressman,
General Counsel, National Credit Union Administration

Melissa Love,
Deputy Comptroller, Compliance and Operational Risk, Office of the Comptroller of the Currency

Mark Paoletta,
Chief Legal Officer, Consumer Financial Protection Bureau

Craig Trainor,
Assistant Secretary for Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development

Harmeet K. Dhillon,
Assistant Attorney General for Civil Rights, U.S. Department of Justice

Clinton Jones,
General Counsel, Federal Housing Finance Agency