

Compliance Policy: Fair Lending - Revised Booklet

To

Chief Executive Officers and Compliance Officers of All National Banks, Federal Branches and Agencies, Department and Division Heads, and All Examining Personnel

The Office of the Comptroller of the Currency (OCC) recently revised the electronic version of the "Fair Lending" booklet of the *Comptroller's Handbook*. These revisions include both new and revised procedures.

Some procedural sections were renamed to more clearly describe the activity to be performed and some procedural steps were renamed and reordered to provide a clearer approach for assessing the potential for discriminatory activity. Specific changes were made to the Examination Procedures for Setting the Examination Scope, Examination Procedures for Assessing Fair Lending Performance, and relevant appendixes to update certain sections and clarify others. These changes relate to the discussion of brokers and to procedures related to pricing, steering, and redlining. Other changes include:

- Technical changes to Regulation B, 12 CFR 202 that relate to electronically accessed application forms and disclosures added to the Technical Compliance Checklist, Appendix L.
- Expansion of the Underwriter Interview Guide, Appendix J.
- Addition of risk indicators for Servicing/Loss Mitigation processes and HELOC Modification activities to the examination scope section.
- Addition of Appendix O, the April 15, 1994, interagency statement, "Policy Statement on Discrimination in Lending."¹

Last, as a result of the Financial Services Regulatory Relief Act of 2006, OCC examiners may ask for the results and findings of bank performed self-tests. The act at 12 USC 1828(x) allows banks to share such confidential information with their federal regulatory agency during supervisory activities without waiving, destroying, or otherwise affecting that privilege relating to third parties.² Reviewing this data may allow examiners to streamline fair lending examinations.

If you have questions, please contact your supervisory office or the Compliance Policy Department at (202) 649-5470.

Ann F. Jaedicke

Deputy Comptroller for Compliance Policy

¹[Federal Register](#)

² 12 USC 1828(x), added as part of the Financial Services Regulatory Relief Act of 2006, provides that "(t)he submission by any person of any information to any Federal banking agency, State banking supervisor, or foreign banking authority for any purpose in the course of any supervisory or regulatory process of such agency, supervisor, or authority shall not be construed as waiving, destroying, or otherwise affecting any privilege such person may claim with respect to such information under Federal or State law as to any person or entity other than such agency, supervisor, or authority.

Related Links

- [Fair Lending booklet](#)