

Pt. 34

the special lending limits in paragraphs (a)(1) and (2) of this section, that were in compliance with this section when made, will not be deemed a lending limit violation and will not be treated as nonconforming under §32.6.

[66 FR 31120, June 11, 2001]

PART 33 [RESERVED]

PART 34—REAL ESTATE LENDING AND APPRAISALS

Subpart A—General

Sec.

- 34.1 Purpose and scope.
- 34.2 Definitions.
- 34.3 General rule.
- 34.4 Applicability of State law.
- 34.5 Due-on-sale clauses.

Subpart B—Adjustable-Rate Mortgages

- 34.20 Definitions.
- 34.21 General rule.
- 34.22 Index.
- 34.23 Prepayment fees.
- 34.24 Nonfederally chartered commercial banks.
- 34.25 Transition rule.

Subpart C—Appraisals

- 34.41 Authority, purpose, and scope.
- 34.42 Definitions.
- 34.43 Appraisals required; transactions requiring a State certified or licensed appraiser.
- 34.44 Minimum appraisal standards.
- 34.45 Appraiser independence.
- 34.46 Professional association membership; competency.
- 34.47 Enforcement.

Subpart D—Real Estate Lending Standards

- 34.61 Purpose and scope.
- 34.62 Real estate lending standards.

APPENDIX A TO SUBPART D OF PART 34—
INTERAGENCY GUIDELINES FOR REAL ESTATE
LENDING

Subpart E—Other Real Estate Owned

- 34.81 Definitions.
- 34.82 Holding period.
- 34.83 Disposition of real estate.
- 34.84 Future bank expansion.
- 34.85 Appraisal requirements.
- 34.86 Additional expenditures and notification.
- 34.87 Accounting treatment.

12 CFR Ch. I (1–1–03 Edition)

AUTHORITY: 12 U.S.C. 1 *et seq.*, 29, 93a, 371, 1701j-3, 1828(o), and 3331 *et seq.*

Subpart A—General

SOURCE: 61 FR 11300, Mar. 20, 1996, unless otherwise noted.

§ 34.1 Purpose and scope.

(a) *Purpose.* The purpose of this part is to set forth standards for real estate-related lending and associated activities by national banks.

(b) *Scope.* This part applies to national banks and their operating subsidiaries as provided in 12 CFR 5.34. For the purposes of 12 U.S.C. 371 and subparts A and B of this part, loans secured by liens on interests in real estate include loans made upon the security of condominiums, leaseholds, cooperatives, forest tracts, land sales contracts, and construction project loans. Construction project loans are not subject to subparts A and B of this part, however, if they have a maturity not exceeding 60 months and are made to finance the construction of either:

- (1) A building where there is a valid and binding agreement entered into by a financially responsible lender or other party to advance the full amount of the bank's loan upon completion of the building; or
- (2) A residential or farm building.

§ 34.2 Definitions.

(a) *Due-on-sale clause* means any clause that gives the lender or any assignee or transferee of the lender the power to declare the entire debt payable if all or part of the legal or equitable title or an equivalent contractual interest in the property securing the loan is transferred to another person, whether by deed, contract, or otherwise.

(b) *State* means any State of the United States of America, the District of Columbia, Puerto Rico, the Virgin Islands, the Northern Mariana Islands, American Samoa, and Guam.

(c) *State law limitations* means any State statute, regulation, or order of any State agency, or judicial decision interpreting State law.